Sécurité publique
Québec

- Appointment of the Commission
- The Inquiry Process
- Structure of the Report
- Forewarning
- Highlights of the report
- General Conclusions
- Recommandations
- Full Text (in French)

Summary

Over the past few years, the Sûreté du Québec (SQ) had been shouldering the heavy burden of serious and as yet unresolved problems regarding its practices in criminal and internal investigations, some of which had long been ignored, denied, indeed covered up within the organization. Many of these problems indisputably resurfaced again following Operation Thor. The publicity that surrounded this police operation against organized crime, which was conducted with the assistance of other police agencies, increased the disfavour of the Sûreté du Québec when, a year later, on June 15, 1995, the Honourable Micheline CorbeilLaramée, J.C.Q., dismissed proceedings instituted against the accused. Rendering a judgment on a motion presented by the accused, among whom were brothers Richard and Gerry Matticks[1], Judge Corbeil-Laramée concluded that Sûreté du Québec policemen had deliberately planted incriminating documents, namely, maritime transportation records, among those which had been seized and filed in court. The addition of such evidence was an offensive and vexatious procedure. She declared that the actions of the police constituted a serious violation of the Canadian Charter of Rights and Freedoms "as we are dealing with reprehensible police activity that affects evidence of the crime itself. This violation is thus serious and deliberate. The police have no excuse and are surely not in good faith."[2]

As at that moment, the Sûreté du Québec could no longer lay the blame for dismissal of the charges on anyone but themselves.

The events raised with regard to the Matticks Affair were sufficient to question the credibility and effectiveness of the Sûreté du Québec. Its reputation was in jeopardy. The matter had to be fully investigated and light shed on this disgraceful affair. The magnitude of the problems uncovered and the repercussions resulting from other operations conducted by the Sûreté du Québec had to be looked into. Were they of a fortuitous nature, due to an unfortunate combination of circumstances or were they systemic, if not endemic, in nature?

In order to answer this fundamental question in the best interests of the Sûreté du Québec and the citizens of Québec served by the Sûreté, various facets and levels of the organization's operations, regarding both criminal and internal investigations, had to be scrutinized.

Up to this point, the Sûreté du Québec had chosen, at least in appearance, to resolve its internal problems. However, given the failure o successive investigations dealing with the fallout of the Matticks Affair and the impossibility of the Honourable Jean-Pierre Bonin, J.C.Q., who who had been named commissioner by the government under the Act respecting police organization, to hold his inquiry as a result of an escalation "of acrimonious exchanges among counsel for the different parties", the government had no alternative but to create the present Commission.

Notes

1. **(Comment)** *Vol. 109, p. 8.*
2. **(Comment)** *Vol. 106, p. 43, Brown c. La Reine*, C.Q. Longueuil 505-01-002427-942, le 15 juin 1995, l'honorable Micheline Corbeil-Larame, j.c.q.

2003-01-31 2:43 PM

Québec

© Gouvernement du Québec, 2004

106-00665/

Sécurité publique Québec

- Appointment of the Commission
- The Inquiry Process
- Structure of the Report
- Forewarning
- Highlights of the report
- General Conclusions
- Recommandations
- Full Text (in French)

Appointment of the Commission

On October 23, 1996, the Québec Government mandated the Commission to hold an investigation into:

> *Current practices followed by the Sûreté du Québec with regard to criminal investigations into major crimes, as well as the management and supervision of such investigations;*
>
> *Current practices followed by the Sûreté du Québec with regard to internal investigations, dealing with police conduct, the manner in which investigators are supervised and supported by superior officers, and obstacles and difficulties which may occur during such investigations, including the series of events surrounding a party on August 26, 1995, at the home of Mr. Laurent Pichette, Captain with the Sûreté du Québec.*

The Commission was called upon to make recommendations concerning ways to improve or, where necessary, change Sûreté du Québec practices regarding criminal investigations into major crimes and internal investigations.

In the preamble of its Order-in-Council, the government clearly expressed its intention to take into account the concern shown by the Minister of Public Security in "favouring the maintenance of optimal performance and efficiency of the Sûreté du Québec in its fight against crime, particularly the suppression of gangsterism, in "encouraging the development of all forms and means of action to preserve and improve such efficiency and performance" and in "favouring improvement in the transparency of the investigative process in respect of citizens' rights".

Thus, the aim of the public inquiry commission was to identify specific solutions to ensure implementation of measures that would allow the Sûreté du Québec to better accomplish its work while respecting the rule of law governing the citizens of Québec as members of a free and democratic society.

The Commission decided to subdivide its inquiry by grouping together the elements of its mandate under three parts, beginning with the aftermath of the Matticks Affair (Part III), followed by the practices regarding internal investigations (Part II), and practices regarding major crime investigations (Part I).

The reference to the mandate regarding "the series of events surrounding a party on August 26, 1995," meant that the Commission had to sift through a tangled web of internal investigations following the Corbeil-Laramée decision and other internal investigations that had marked the investigation called for by Director General Serge Barbeau into breaches identified by the Court, until the Minister of Public Security appointed the Honourable Jean-Pierre Bonin, J.C.Q. as commissioner, pursuant to Section 181 of the Act respecting police organization.

It was necessary for the Commission to determine whether the events in the aftermath of the Matticks Affair constituted unfortunate mishaps that were blown out of proportion, or whether the problems encountered during such internal investigations fell into a wider perspective, whether endemic or systemic in nature, as being commonplace in internal investigations, some of which, moreover, consisted of criminal investigations into major crimes.

The part of the inquiry dealing with the aftermath of the Matticks Affair, with which the Commission commenced its work by means of public hearings, identified the magnitude and complexity of the affair that was first entrusted to the *ad hoc* committee. The object of this part of the report is to better explain the events in question and to discover their effect on the progress of the various investigations that followed. By setting out conclusions

under the more general parts of its mandate, the Commission was able to make recommendations designed to improve the operations of the Sûreté du Québec and thus avoid repetition of the events that had tarnished its reputation.

In its public hearings, the Commission examined the Sûreté du Québec's operations through the prism of the Matticks affair while focussing, in particular, on the management and supervision of internal investigations and criminal investigations regarding major crimes.

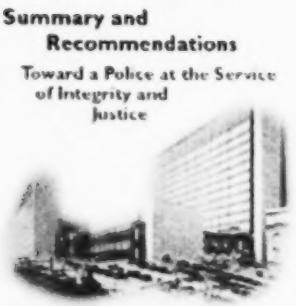
2003-01-31 2:45 PM

Québec

© Gouvernement du Québec, 2004

Sécurité publique Québec

- Appointment of the Commission
- The Inquiry Process
- Structure of the Report
- Forewarning
- Highlights of the report
- General Conclusions
- Recommandations
- Full Text (in French)



The Inquiry Process

Investigation and Research

The investigations conducted internally and the studies called for by the Commission were many in number and were held in parallel with the Commission's public hearings. Particularly with regard to Parts I and II of its mandate, a multidisciplinary team made up of lawyers, criminologists, sociologists and anthropologists analysed problems raised by the study of existing practices regarding internal and criminal investigations.

The Commission also undertook and completed the study of a wide range of public documents relevant to its work and in support of its recommendations.

In light of its mandate, the Commission analysed, among others, the inquiry report of coroner Guy Gilbert pertaining to the Oka crisis of 1990, that of the Honourable Pierre Verdon, J.C.Q., on the Sûreté du Québec's major police practices on September 1, 1994, at Chambly, that of Claude Corbo, on the professional code of ethics and training of police, that of the working group headed by Jacques Bellemare and mandated to examine the practices of Québec police forces with regard to criminal investigations and that of the 1993-1994 Auditor General, all pertaining to the Sûreté du Québec or Québec police forces in general.

The Commission also looked at the Létourneau Report on the deployment of Canadian Forces in Somalia, the Campbell Report on the police investigations that led to the indictment of Paul Bernardo, the Wood Report on New South Wales Police, the Kaufman Report on the prosecution of Guy-Paul Morin, and the Giuliani and Barton Report concerning rampant corruption among New York Police. The information contained in these reports regarding problems encountered by other police organizations enabled the Commission to better understand certain phenomena witnessed at Sûreté du Québec, and provided solutions that were worth further exploring.

In addition, the Commission studied some 2000 cases brought before Québec criminal courts from 1991 to 1995, which involved major crime investigations conducted by the Sûreté du Québec. As well, many of the internal investigation files of the Sûreté du Québec were analysed for a better understanding of internal investigation practices and the management of such investigations. Finally, the Commission took into account the Sûreté du Québec's May 1977 action plan, titled *Orientation et plan d'action de la Sûreté du Québec*, as well as the 1988 plan titled *Bilan - 1997 Orientations 1998-2000*. The Commission analysed the solutions therein proposed.

Public Hearings

The Commission commenced its public hearings on April 14, 1997. Evidence was presented by counsel for the Commission who selected witnesses to be heard and their order of appearance before the Commission. All participants and witnesses were entitled to legal counsel. As well, any individual could appear before the Commission to express his or her desire to be heard as a witness, should he or she had not have been called as a witness.

For the sake of economy, and given the time constraints inherent to every inquiry commission, wherever testimony heard within the context of Part III was relevant to other sections of the mandate, the Commission also considered the evidence from an institutional perspective. Thus, after 175 days of public hearings covering various parts of the inquiry, the Commission was able to complete, within 17 days of hearings, the other

institutional facets of its mandate which had been the subject of studies carried out in conjunction with the hearings. In making its hearings public, the Commission ensured the public was informed. It must be understood, however, that the work of the Commission was not limited to public hearings, as evidenced by its report.

During hearings on Part III, numerous documents were filed by the participants and others. Supporting documents totaling 891 exhibits, including 212 volumes representing 65,000 pages of evidence, were filed and thus made available to the public, save for documents deemed confidential by the Commission.

A total of 845 exhibits were filed in the record and made public. Exhibits filed during closed hearings or classified as confidential were labeled as such. They were 46 in number. Copies of the transcripts of the hearings and of non confidential exhibits were made available to participants for consultation purposes.

2003-01-31 2:46 PM

Québec

© Gouvernement du Québec, 2004

Sécurité publique
Québec

- Appointment of the Commission
- The Inquiry Process
- Structure of the Report
- Forewarning
- Highlights of the report
- General Conclusions
- Recommandations
- Full Text (in French)

Structure of the Report

The Commission report is subdivided into four headings.

Under heading I, entitled "**Context**", the report sets out the Inquiry Commission's mission, the synopsis of the report, the history of the Sûreté du Québec, its legal environment and its organizational structure.

Under heading II, entitled "**Aftermath of the Matticks Affair**", the report sets out the salient facts in chronological order, while identifying the main characters. The description of the incident of August 26, 1995, based on facts submitted in evidence and their seriousness, is exposed from the outset. The incident is treated in the context of hindrances and difficulties following the Matticks Affair. The sequence of events necessary to better appreciate the object of the mandate is reviewed chronologically starting with Operation Thor, followed by the awareness and reactions of the Sûreté du Québec and its response following the problems uncovered during the Matticks trial, the aftermath of the Corbeil-Laramée decision, the *ad hoc* committee investigation, other internal investigations stemming from the Matticks Affair, and incidental internal investigations relating to the Matticks Affair's internal investigations.

Heading III, entitled "**Institutional Realities**", deals with problems common to internal and criminal investigations. Delays blamed on the Sûreté du Québec are identified as were the phenomenon of deviant activity, the more or less healthy management style in place, and the Sûreté's accountability. These are evidenced in the Sûreté's internal audit programs and its dealings with the Minister of Public Security, the government, citizens and the media.

Heading III's second section also covers criminal investigations of major crimes, first by addressing the Criminal investigation department, and then, depending on the effects of the problems inherent to it, its culture, its management, deviance and accountability. The problems specific to criminal investigations into major crimes largely mirror those brought to light by submissions from the public to the Commission and those noted during the Commission's work. Such problems are examined in the light of practices pertaining to criminal information, electronic surveillance, human resources, such as informants and informers, arrests, interrogation techniques, searches, and criminal investigations in which members of police services are involved as suspects.

In a third section, the Commission refers to the organization of the Sûreté du Québec's internal affairs unit and assesses the institutional impact on internal investigations of the crisis within the Sûreté du Québec as reflected in the institution's values and management which were characterized as being totally void of a long-term strategic action plan. The internal investigation practices are examined, as is the management of investigation personnel attached to the internal affairs unit. Also contained in this section is an analysis of the legal and practical difficulties relating to internal investigations. Lastly, the Commission looks at the manner in which the criminal investigation of deviant behaviour by members of the Sûreté du Québec are conducted. The Commission studies the fate of the proposed *Règlement sur la déontologie et la discipline des membres de la Sûreté du Québec* as well as the latest disciplinary regulations elaborated by the Sûreté du Québec.

Heading IV, entitled "**General Conclusions and Recommendations of the Report**", situates the entire mandate of the Inquiry Commission in the more general perspective of the history of the Sûreté du Québec and the citizens' expectations of its police force and its government, and regroups all the recommendations made in the report.

To the present summary and the four headings which contain the observations, conclusions and recommendations of the Commission on the topics previously mentioned, are added annexes comprising four research reports commissioned by the Commission and appendices containing major decisions rendered in the course of its mandate. Also annexed on CD-Rom are the transcripts of the hearings, with the exception of in camera sessions, and public documents filed with the Commission.

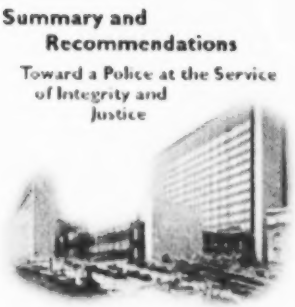
2003-01-31 2:47 PM

Québec

© Gouvernement du Québec, 2004

Sécurité publique
Québec

- Appointment of the Commission
- The Inquiry Process
- Structure of the Report
- Forewarning
- Highlights of the report
- General Conclusions
- Recommandations
- Full Text (in French)



Forewarning

The reader is reminded of the Commission's role and the purport of its report.

One of the Commission's primary functions was to investigate, establish the facts and study problems on a long-term perspective. It is necessary to emphasize that the Commission was not a court of justice. It answered a need that was clearly and frequently expressed and reasserted by the government. The Commission's conclusions are predicated on findings of facts. Its recommendations were set out in the light of its findings . The conclusions contained in the report have no legal effect. They are not executory and do not bind the courts called upon to examine the same subject matter.

The public inquiry was not a civil or criminal trial, even though its conclusions may affect public opinion. It was not the Commission's mandate to decide upon the rights of the parties in the way a judge decides, as the rules of evidence and procedure are less restrictive than before a court of justice. No inquiry, including this one, can offer the same guarantees regarding evidence and procedures as a trial. The primary role of the Commission was neither to replace a court of law nor to reassess its decisions. The Commission drew its conclusions of fact, after assessing the credibility of witnesses and, where necessary in the light of the evidence, named persons involved in the events under scrutiny.

Thus the public must not interpret the Commission's conclusions as judgments determining civil or criminal liability.

However, the public inquiry into the events that surrounded the Matticks Affair would have been quite useless without identifying the causes and/or naming the players for fear of sullying their reputation or that its own conclusions of fact be raised in the course of civil or criminal proceedings. In fact, it is almost inevitable that, during the process or in the final report, the inquiry would tarnish or affect the reputations of some, and, in doing so, raise questions among the public regarding their responsibility.

The Commission abstained from expressing conclusions of fact in terms identical to those used by the courts in deciding matters of civil or criminal liability. Although the Commission endeavoured to avoid ambiguous wording which could be interpreted as a statement of civil or criminal liability, it refused to lapse into linguistic contortions, in view of the express wording of its mandate.

Armed with this information, the reader of this report will be better prepared to appreciate its significance.

2003-01-31 2:45 PM

Québec

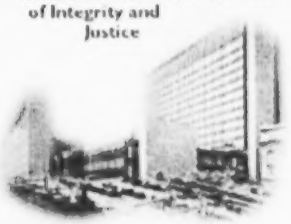
© Gouvernement du Québec, 2004

Sécurité publique Québec

- Appointment of the Commission
- The Inquiry Process
- Structure of the Report
- Forewarning
- Highlights of the report
- General Conclusions
- Recommandations
- Full Text (in French)

Summary and Recommendations

Toward a Police at the Service of Integrity and Justice



Highlights of the report

- Afetrmath of the Matticks Affair
- The Matticks Trial
- The May 12, 1995, memorandum
- The launching of two investigations
- The beginning of the internal investigation
- The nvestigation request to the commissioner of police
- A controversial internal investigation
- The incident of August 26, 1995
- Pressure put on Officer Mario Simard
- The provisional suspension and indictment of four officers
- Resistance on the part of criminal investigation directors
- Other hindrances and difficulties
- The appointment of Michel Arcand as head of Carcajou
- Supervision by Gilles Falardeau in the autumn of 1995
- Claim to the right of silence
- The transmission of the report on the incident of August 26, 1995
- Supplementary investigations into the Matticks Affair
- Minister Perreault's request for an internal investigation
- The meeting of April 10, 1996
- The meeting of June 6, 1996
- The acquittal of the four officers
- The Director General's announcements
- Commissioner Bonin's inquiry
- The legal objection to the Bonin inquiry
- The theft of documents at Commissioner Bonin's office
- Disciplinary complaints and the provisional suspension of members of the ad hoc committee
- The resignation of Commissioner Bonin and withdrawal of Mr. Barbeau
- The aborted attempt to reinstate the ad hoc committee investigators
- Internal investigation into the disciplinary charges
- Conclusion
- Institutional realities
- Criminal investigations
- Internal investigations

Aftermath of the Matticks Affair

It all started with a major drug bust in the Port of Montreal. On May 24, 1994, the Sûreté du Québec struck a heavy blow to organized crime by confiscating 26 tons of hashish valued at $360 million that was hidden in a container ship named *Thor*, sailing under the Norwegian flag from Mozambique. The apparent success of Operation Thor, as it was called by Sûreté du Québec police, which was conducted jointly by the Sûreté du Québec, the Royal Canadian Mounted Police (RCMP) and the Montreal Urban Community Police (MUC), was highly publicized in the press. It was reported the largest drug bust ever conducted in Canada. Seven people, including brothers Richard and Gerald Matticks, both well-known to police, were accused and brought to trial for conspiracy, importation and trafficking of drugs.

Operation Thor did not work out as planned. Containers were inspected and a large quantity of drugs was found. The containers were subsequently placed under police surveillance while the investigation continued by means of electronic surveillance and the tailing of individuals who were identified by the police as suspects. In addition, an individual, who later became an informant, was questioned. The surveillance of the containers proved in vain, as no-one showed up to claim delivery. From that moment, the available evidence to prosecute the suspects identified during the investigation and named by the informant was slim. It was decided to seize the containers and mount a large scale police operation that would lead to the searching of many homes and businesses on May 25, 1994, in the hope of gathering further evidence that would link the suspects to the seized drugs. An impressive number of documents of all kinds were seized at every location searched, including a large amount of cash at the home of Gerald Matticks. Many were arrested, questioned and brought to justice.

(Top of page)

The Matticks Trial

Before the Court of Québec, the accused alleged that incriminating documents had been added to those seized at Werner, Philips International, a maritime brokerage house. The Court concluded from the evidence that questions had been raised about the incriminating documents as early as June, 1994, by police in charge of the investigation. The allegations had not been verified until ordered by the Court. Faced with the fact that the incriminating documents bore the fax number and abbreviated identification number of the Canada Customs Container Examination Centre, the Crown attorney was first informed that the Centre was located in the Port of Montreal and controlled by the Matticks brothers. A motion was filed by the accused to halt the proceedings on the basis that the evidence had been planted. The fax documents had in fact been sent to the Sûreté du Québec by Canada Customs. A "genuine mistake" was the reason given to explain the incident. The Court found that the documents had been deliberately added to existing evidence by members of the Sûreté du Québec. After several weeks of investigation and testimony, the end of the Matticks proceedings by judgment rendered on June 15, 1995, by the Honourable Micheline Corbeil-Laramée sent shock waves through the ranks of the Sûreté du Québec. The judgment led Public Security Minister Serge Ménard to ask the Sûreté du Québec's Director General for a full explanation. The minister had already asked for a briefing in May, 1995, upon learning of the motion to halt proceedings.

The May 12, 1995, memorandum

The May 12, 1995, memorandum prepared by Captain Michel Arcand, the officer in charge of the *Service de la répression du banditisme* (Gangsterism repression unit) at the time of Operation Thor, merely summarized the various hypotheses put forward to explain the documents' existence, - including the existence of a mole within the Sûreté du Québec. The memorandum concluded that a genuine mistake had been committed, as submitted before the Court by the Crown Attorney. The Crown's position was based on evidence presented by investigators involved in Operation Thor. The memorandum discarded outright the third hypothesis, namely the deliberate planting of the documents. It was not until after the Corbeil-Laramée decision was rendered that Messrs Dupré, Arcand and Laprise questioned what had happened.

The Launching of Two Investigations

Shortly after Judge Corbeil-Laramée's judgment, the Minister of Public Security, who favoured the holding of an external inquiry, and the Director General of the Sûreté du Québec, who, in turn, supported implementation of an internal inquiry, proceeded simultaneously with both approaches.

(Top of page)

The Beginning of the Internal Investigation

An internal investigation took place within the Sûreté du Québec to shed light on the whole affair immediately following the Corbeil-Laramée decision. Deputy Director General André Dupré, in charge of the *Grande fonctior des enquetes criminelles* (General division of criminal investigations), informed the Director General that he had called for an investigation by the *Service des affaires internes* (internal affairs service). A sergeant in the unit, Jean Bossé, was assigned to meet with the new director of the *Service de la répression du banditisme* (gangsterism repression unit), Lieutenant Mario Laprise, in order to gather information and documentation needed for his investigation. Bossé testified that he did not receive the cooperation he required from Laprise, nor from officer Pierre Duclos, another member of the squad who had participated in Operation Thor. He informed Inspector Denis Despelteau, his line supervisor, of the foregoing inasmuch as his immediate superior, Jean Thébeault, had been removed from the investigation due to a possible conflict of interest. He had been assistant to the head of the *Service de la répression du banditisme* (gangsterism repression unit) in the spring of 1994.

Following the Corbeil-Laramée judgment, Louise Pagé, Director General, Administration, responsible for the internal affairs service, took the unprecedented step of writing to the Director General to inform him of her concerns regarding the ability of the Service to conduct such an investigation. In fact, the practice at the Sûreté du Québec was that a subordinate could not interrogate a superior officer. An analysis of the judgment revealed that certain high-ranking officers could well be interrogated and that the investigation could extend to André Dupré, director of organized crime operations at the time, who had just been appointed Deputy Director General. Thus, she suggested the Director General set up an *ad hoc* committee composed of superior officers to conduct the investigation.

On July 5, 1995, Chief Inspector Bernard Arsenault, Inspector Hilaire Isabelle and Captain Louis Boudreault, under the authority of Deputy Director General Gilles St-Antoine, were given an *ad hoc* mandate by Serge

Barbeau himself, to act in his name and to "shed light on the responsibility of members of the Sûreté du Québec in respect of a drug importation case better known as the *Matticks Affair*". Retiring on October 25, 1995, Gilles St-Antoine passed the torch to Deputy Director General Gilles Falardeau, as new coordinator of the *ad hoc* committee appointed by the Director General.

(Top of page)

The investigation request to the commissioner of police

On July 14, 1995, at the same time the Sûreté du Québec was conducting its internal investigation, the Minister of Public Security entrusted Fernand Côté, Commissioner of police ethics, with investigating the actions of Sûreté du Québec officers involved in the proceedings halted by Judge Corbeil-Laramée. In his request for an investigation, the minister referred to officers mentioned in the judgment, including Michel Arcand, and other unidentified officers of the Sûreté du Québec who had taken part in "police operations involving the seizure of documents and effects on May 25, 1994."

A controversial internal investigation

Already in July and August of 1995, officers interviewed by the *ad hoc* committee let it be known that if one of the officers involved in the police operation had come forward during the Matticks trial and admitted having committed an error when he photocopied certain documents, the case would never have reached such proportions.

Moreover, on July 31, 1995, *the Association des policiers provinciaux du Québec* (APPQ), through one of its attorneys, contacted the coordinator of the *ad hoc* committee to inform him that the police officers, who were targeted by the investigations conducted by the *ad hoc* committee and by the commissioner of police ethics, had been advised of their right to remain silent and instructed him not to badger the officers by attempting to meet with them, especially as all the operational reports required in the circumstances had been completed and approved by their line superiors.

Even before the first witnesses were questioned by members of the *ad hoc* committee, the investigation proved controversial within the ranks of the Sûreté du Québec and were the subject of rumours of all kinds. Such rumours increased in September, 1995, as soon as news spread that one of the officers closely associated with obtaining the evidence, Mario Simard, had made a statement to members of the *ad hoc* committee.

(Top of page)

The Incident of August 26, 1995

On August 26, 1995, during a party at Captain Laurent Pichette's home, one of the three investigators, Hilaire Isabelle, was taken to task by Inspector Michel Arcand and Deputy Director General André Dupré for the role he was about to play in the investigation of the Matticks Affair. Mr. Isabelle felt that pressure had been exerted on him by superior officers of policemen assigned to the Matticks case who were the subject of the internal investigation. His complaint would form part of a series of allegations of hindrances and difficulties that the Commission was called to look into following the failure of other attempts designed to inform the government and the population of the affair.

Even in the context in which the remarks were spoken, investigator Isabelle understood the message as an attempt to dissuade him from establishing that a crime had been committed by the police. The thesis of "a genuine mistake" committed by an officer was once again put forward by Mr. Arcand.

The incident of August 26, 1995, was the subject of a detailed written report submitted to Mr. Barbeau several days later. Although the evidence was not conclusive as to why the incident had not immediately been investigated, the Commission feels that as soon as the incident was in fact reported, Mr. Barbeau, who recognized its seriousness, should have met with Messrs. Dupré and Arcand to obtain their version of the incident. Such an initiative would probably have resolved the affair quickly, particularly if Mr. Isabelle had misconstrued the remarks. Moreover, it would also have had the advantage of demonstrating that the Director General supported the investigation which he had ordered and that he would not tolerate any obstacle to the committee's work in gathering evidence on the Matticks case, including the role that the coordinators had played.

However, from the moment the Director General felt that the allegations against Messrs Arcand and Dupré were serious enough to warrant an investigation, he was obliged to inform the minister concerned. In fact, given Mr. Dupré's position, the matter as to who could conduct the investigation and how it should be conducted had to be determined. Mr. Barbeau's failure to inform the minister displayed a lack of transparency.

Had it not been for the diligence shown by Minister Ménard when informed, nearly five months later, of the incident, and the importance he gave it, it is impossible to determine at what point the Director General would finally have decided to act. The reserve that Mr. Barbeau put forward to avoid been perceived as interfering with the investigation is not a convincing explanation. A simple reminder to Messrs. Arcand and Dupré by Mr. Barbeau or the opening of a disciplinary file against them would have immediately sent a clear message to the ranks of the Sûreté du Québec that the Director General would not tolerate any action, even on the part of superior officers, that would undermine the authority of the three investigators.

(Top of page)

Pressure put on Officer Mario Simard

During their investigation, the three investigating officers had noticed and/or were informed that pressure tactics, a list of which was compiled, had been exerted against officer Mario Simard and his wife. Moreover, in some of these cases, especially the incident involving officer Pierre Samson and another involving officer Antonio Cannavino, internal investigations were conducted.

Although Mr. Simard did not testify, there is sufficient evidence to demonstrate that as soon as he provided information to the *ad hoc* committee incriminating some of his colleagues and admitting committing perjury during the Matticks trial, he became the target of pressure tactics on the part of his colleagues. The true objective of these tactics was evidently to cause Mr. Simard to retract his statements or colour the testimony that he would give. He had in fact admitted to the *ad hoc* committee that he had given in to subtle and gradual pressure tactics and had adjusted his testimony in view of certain weaknesses in the evidence adduced at the Matticks trial.

The pressure tactics exerted on Mr. Simard as early as the fall of 1995 were alternately subtle and coarse. At first, as soon as it was known that Mr. Simard had met with the three investigating officers who had already interviewed many witnesses and whose investigation already spread controversy within the ranks of the Sûreté du Québec, a cloud of panic could be felt descending. Telephone calls became more frequent and messages became more and more urgent. Suspecting that Mr. Simard had perhaps violated the unwritten law of silence and police solidarity, many wanted to know what he had said, under what circumstances he had met with the investigators, and, especially, whether he had incriminated his colleagues.

The provisional suspension and indictment of four officers

On Thursday, September 21, 1995, four Sûreté du Québec officers, Messrs. Lucien Landry, Pierre Duclos, Michel Patry and Dany Fafard were relieved of their duties as a result of their involvement in the Matticks case. Apart from Mr. Fafard, who was with the Montreal Organized Crime squad, the three officers were members of the *Service de la répression du banditisme(gansterism repression unit)* when arrested. They were variously charged on October 12, 1995 with doctoring evidence, obstruction of justice, perjury and conspiracy. They were acquitted by jury on June 9, 1996. Their indictment, which came in the midst of labour contract negotiations, did not help continuation of the *ad hoc* committee's investigation nor did it improve the work climate.

Resistance on the part of criminal investigations directors

On September 28, 1995, Criminal Investigation directors, reacting to rumours were up in arms against the *ad hoc* committee and criticized their investigative methods. A message setting the record straight from the desk of Mr. Barbeau would have silenced these rumours. Mr. Barbeau, however, left it up to his close colleagues, Deputy Director Generals Falardeau, St-Antoine and Boilard, who met with the directors of the Criminal Investigations unit. The meeting afforded the latter an opportunity to vent their spleen on the three investigators instead of being called to order.

(Top of page)

Other hindrances and difficulties

Incidents multiplied in the weeks that followed. These had the effect of tarnishing the credibility of the *ad hoc* committee and compromising completion of the investigation: The circulation of a tract targeting the three investigators and Officer Mario Simard, whom the tract described as an informer; the appointment of Mr. Arcand as head of the Carcajou squad; the details of the agreement negotiated by Mr. Dupré, acting on the instructions of Mr. Barbeau to encourage the investigating officers not to boycott the Carcajou squad; the compensation to the four officers suspended during the negotiations of Section 30 of the new labour contract with the APPQ; the absence of sanctions against the officers who had displayed distrust for the *ad hoc* committee and its coordinator, and their lack of cooperation with them; the refusal of Mr. Barbeau to hold a telephone conference with officials

and officers and/or to issue a communiqué to stem rumors regarding the illegal methods of investigation used by the *ad hoc* committee; the lukewarm message of support for the *ad hoc* committee on November 22, 1995, during a meeting of officers and directors in Saint-Jean, and the failure of the Director General, in the fall, to act upon requests for additional investigators made by the *ad hoc* committee.

The appointment of Michel Arcand as head of Carcajou

During the same period, toward the end of September, 1995, Mr. Dupré appointed Mr. Arcand as head of the Carcajou squad, an appointment approved by Mr. Barbeau, who was aware of the incident of August 26. Mr. Barbeau also knew that Mr. Arcand was being investigated on a police ethics matter at the request of Minister Ménard regarding his role during the investigation and up to June 15, 1995. The contemptuous attitude displayed by Mr. Arcand toward Mr. Arsenault during the meeting of October 1, 1995, and his lack of cooperation as outlined by Mr. St-Antoine are other reasons that mitilated against his appointment. Without expressing an opinion on Mr. Arcand's ability to assume these new responsibilities, the Commission concludes that his appointment was wholly inappropriate under the circumstances and that Mr. Barbeau should not have approved it. In choosing Mr. Arcand, a contradictory message was sent out to the three investigators. While purporting to support the investigators and their difficult task, Mr. Barbeau, in fact, refused to act in a supportive manner. Notwithstanding Mr. Arcand's alleged reprehensible conduct and lack of cooperation with the investigation, Mr. Barbeau approved his appointment to Carcajou. This conflicting message certainly did nothing to reassure the *ad hoc* committee or to strengthen its already contested authority.

(Top of page)

Supervision by Gilles Falardeau in the autumn of 1995

When Mr. Falardeau took over from Mr. St-Antoine on October 25, 1995, to supervise and coordinate the work of the *ad hoc* committee, officers Patry, Duclos, Fafard and Landry had been relieved of their duties and were facing several criminal charges relating to their participation in the May 25, 1994, police operation. The investigation into the police search that took place at 90 Prince Street was not over and it had become urgent for activity reports to be obtained from approximately twenty officers who had also been involved in the Matticks case in view of the disclosure of evidence to the defence scheduled for the end of November 1995. Mr. Falardeau assumed his role in difficult circumstances.

On the one hand, he immediately had to deal with complaints and recriminations filed by members of the *ad hoc* committee regarding the lack of support of Director General Barbeau and the mitigated support of Senior Staff officers. Thus, much of his time and energy spent in the autumn of 1995 was in making the Director General aware of the expectations of the *ad hoc* committee, informing him of the difficulties and problems that the three investigating officers were faced with, asking him to approve additional investigators to work on complementary investigations and convincing him to reiterate his support in a tangible manner.

On the other hand, the antagonism raised by the investigation and numerous rumours regarding the work methods used by the three investigating officers and their real objectives created an unhealthy climate within the Sûreté du Québec, which was not compatible with the much needed support for the investigation.

Claim to the right of silence

The *ad hoc* committee investigators faced many difficulties in gathering the evidence needed in their investigation as most of the police officers involved in Operation Thor and the Matticks' claimed their right of silence. Acting according to the instructions and advice of the APPQ, the officers claimed their rights were guaranteed both under of the *Code of ethics of Québec police officers* and the *Règlement sur la déontologie et la discipline des membres de la Sûreté du Québec*. Consequently, they refused to answer the questions of the *ad hoc* committee investigators. After numerous warnings, unsuccessful attempts to intervene by the authorities and conflicting legal opinions, Mr. Falardeau finally decided to ask for the reports through the officers' immediate superiors. He informed senior Staff officers. They went along with his decision on December 5, 1995. The immediate superiors of officers expected to testify were to meet with them and demand their activity reports, failing which disciplinary action would be taken. Ultimately, 18 recalcitrant officers were the subject of disciplinary action.

(Top of page)

The transmission of the report on the incident of August 26, 1995.

According to an agreement between the commissioner of police ethics and the investigation coordinator of the *ad hoc* committee, the results of the investigation would be transmitted to the commissioner for use in his own investigation at Minister Ménard's request. In this context, on December 27, 1995, the commissioner of police ethics received the report regarding the incident of August 26, 1995, as well as several other documents which

had been disclosed to the defence on the December 20. The commissioner referred the matter to the Public Security Minister on January 16, 1996. Mr. Ménard summoned Director General Barbeau to a meeting on January 18, 1996, and castigated him for not having apprised him of the incident earlier.

On January 29, 1996, Mr. Robert Perreault became Minister of Public Security. The appointment delayed the Government's decision regarding the information received.

Supplementary investigations into the Matticks Affair

Members of the *ad hoc* committee quickly came to the conclusion the police search at 90 Prince Street raised questions, as did other searches, such as the one conducted at 4565 Quévillon Street. The *ad hoc* committee coordinators, Messrs St. Antoine and Falardeau tried repeatedly to convince the Director General to provide additional resources for their investigation.

Based on the evidence, the Commission concludes that the report of the incident of August 26, 1995, to the commissioner of police ethics triggered the Director General's decision to allocate additional manpower and to conduct supplementary investigations to shed light on the Matticks Affair and uncover additional evidence needed for the prosecution of the four officers charged following the police search at 90 Prince Street.

On January 31, 1996, Director General Serge Barbeau communicated with two district commanders, Francis Pelletier and Jean-Claude Roy, to second them from their regular duties to investigate allegations of perjury made against offices Laurent Laflamme and Mario Morissette, and the planting of evidence at 4565 Quévillon Street.

One of the problems facing the *ad hoc* committee was that the members refused to meet with the investigators. A new investigative procedure was agreed upon with Mr. Falardeau.

Commander Pelletier explained the parameters of the new procedure during an informal meeting with two members of the APPQ's executive and one of its lawyers. According to him, he could not demand activity reports within the context of the investigation that he was leading, inasmuch as this would constitute "an indirect way of forcing witnesses" to cooperate with a criminal investigation. In spite of their position, he felt police officers were under no obligation to submit such reports, even if they did not consider themselves to be suspects.

Supplementary investigations into the Matticks Affair proved quite useless inasmuch as, in spite of its unequivocal conclusion that evidence had been planted at 4565 Quévillon Street by members of the Sûreté du Québec, the investigation had not established which officers had planted the documents. The investigation report of Commanders Pelletier and Roy is eloquent in this connection. Moreover, the only internal investigation conducted by them which received the cooperation of the officers concluded that Gerald Matticks' complaint that money had been stolen, was ill-founded. Police cooperation had existed in this case alone, where the result was a foregone conclusion. The exercise was in vain. It purported to be a thorough investigation when, in fact, the complainant did not even want to meet with the investigators.

(Top of page)

Minister Perreault's request for an internal investigation

Minister Perreault met with Mr. Barbeau on March 14, 1996, and handed him a letter dated March 12, requesting him to open an internal administrative investigation regarding the incident of August 26, 1995, and to report back to him as soon as possible. In a letter dated March 25 addressed to the minister, Mr. Barbeau promised to submit his report promptly.

On March 26, 1996, more than two months after the urgent meeting between Mr. Barbeau and Minister Ménard, Commanders Proulx and Carpentier were assigned to the internal administrative investigation. It was supervised by Mr. Falardeau.

The meeting of April 10, 1996

On April 10, 1996, investigator Hilaire Isabelle was called to give his version of the facts to Commanders Proulx and Carpentier. A second meeting with Mr. Isabelle for further information was cancelled, given the refusal of the two commanders to confirm in writing that the scope of their mandate had been enlarged to cover not only the incident of August 26, 1995, but any other incident, grievance or allegation raised by the *ad hoc* committee in its investigation.

Faced with this deadlock, and, based on the fact that both he and senior Staff officers were also the subject of Mr.

Isabelle's allegations, Mr. Barbeau concluded that an external investigation under Section 181 of the *Act respecting police organization* could shed light on the incident of August 26, 1995, and Mr. Isabelle's additional allegations. He so informed Minister Perreault during a meeting on May 22, 1996. Mr. Perreault took several days before agreeing to Mr. Barbeau's request.

The meeting of June 6, 1996

Following the publication of an article in *La Presse* on June 6, 1996, which described an incident involving officers Simard and Samson, Minister Perreault summoned Mr. Barbeau to his office for an update on all files relating to the Matticks Affair. He then learned for the first time that internal investigations relating to incidents and allegations other than those regarding the August 26, 1995, party were in progress. He was even given a document listing current investigations. Given an overview of the incidents that were the subject of disciplinary and criminal internal investigations, the minister realized that he had decisions to make in order to solve the problems that had arisen.

The acquittal of the four officers

On June 9, 1996, following a trial by jury presided over by the Honourable Yves Mayrand, J.S.C., the four officers of the Sûreté du Québec were acquitted for lack of evidence.

(Top of page)

The Director General's announcements

The following day, on June 10, 1996, Director General Barbeau announced in a news conference that an external investigation would be conducted into problems arising from the Matticks Affair.

In order to create the best possible climate for the holding of the external investigation that the minister would soon order, the Director General of the Sûreté du Québec, under pressure from the minister, decided to reassign Messrs. Dupré and Arcand. Mr. Dupré would be assigned to the Director General's office and Mr. Arcand to Mr. Falardeau's office for the duration of Judge Bonin's inquiry.

Mr. Barbeau also announced his decision to reinstate the four acquitted officers into administrative positions, as well as measures involving other officers, including Mario Simard, who was relieved of his duties following his admission of perjury and notwithstanding his cooperation with the *ad hoc* committee investigation and his testimony during the trial of the four officers.

Commissioner Bonin's inquiry

The cards had changed tremendously for Minister Perreault, given the new facts published in *La Presse* and confirmed in his June 6 meeting with Messrs. Barbeau and Falardeau. It was no longer just a simple matter of being informed of all the facts surrounding a party or of the numerous allegations made by Mr. Isabelle. He needed to be informed about several investigations pertaining to serious incidents that could point to the existence of a systemic problem within the Sûreté du Québec.

On June 12, 1996, Québec Court Judge Jean-Pierre Bonin received a mandate to hold an inquiry under Section 181 of the *Act respecting police organization*. The inquiry was to address "the Sûreté du Québec and its organisation and management of internal investigations regarding the August 26, 1995, party at the home of Laurent Pichette, Captain of the Sûreté du Québec, and the manner in which the assigned investigators are supervised and supported by superior officers, as well as current practices in similar circumstances." The deadline was set for November 30, 1996.

(Top of page)

The legal objection to the Bonin inquiry

Judge Bonin, having received a similar mandate to that of the present Inquiry Commission, had chosen an inquiry process which was contested in a motion for judicial review by the three investigators of the *ad hoc* committee, whose investigation had come to an end with the creation of the Bonin inquiry.

The three investigators took the position that the commissioner's inquiry process was inadequate and violated their rights because it did not afford them full participation in the work of the inquiry, in the interrogation of the witnesses who were to appear before the commissioner and in obtaining the elements of evidence submitted to

him. They demanded that the inquiry be conducted in public.

The theft of documents at Commissioner Bonin's office

In September 1996, a robbery took place at the offices occupied by Commissioner Bonin. The theft of inquiry documents added to the existing climate of suspicion. This event, combined with the recriminations of the main protagonists who were debating the motion for judicial review, both in court and publicly, made Judge Bonin's work particularly difficult.

Disciplinary complaints and the provisional suspension of members of the ad hoc committee

The motion for judicial review presented by the members of the *ad hoc* committee was dismissed on October 11, 1996. The same day, Jacques Letendre, Director of professional ethics, signed disciplinary complaints against investigators Arsenault, Boudreault and Isabelle. He blamed them for their lack of reserve in allowing their counsel to make statements to the media, releasing information regarding Sûreté du Québec activities to unauthorized persons, and finally, for their disloyal behaviour.

On October 15, 1996, Mr. Barbeau took the decision to relieve them of their duties in spite of a clear warning from Minister Perreault who testified having told Mr. Barbeau that such a decision would be "a serious mistake" and would haunt the organization. He asked Georges Boilard, his Deputy Director General, to head the provisional suspension operation. It had all the earmarks of a major police operation.

The same day, Mr. Barbeau assigned Messrs. Bouchard and Lafrenière to conduct the disciplinary investigation following the complaints filed by Mr. Letendre.

(Top of page)

The resignation of Commissioner Bonin and withdrawal of Mr. Barbeau

Judge Bonin advised the Minister of Public Security in a letter dated October 18, 1996 that it would be impossible for him to continue his inquiry due to "the gap between what was expected of the inquiry and what is permissible and prohibited under the law". He also mentioned the "escalation"... "of acrimonious exchanges among counsel for the different parties" and the "resulting atmosphere", adding that "practically every editorial writer in Québec was calling for a public inquiry."

The same day, Director General Serge Barbeau temporarily withdrew from his duties at the request of the Minister of Public Security. He was replaced by Deputy Director General Georges Boilard who filled in until the nomination of Guy Coulombe, on November 21, 1996.

The aborted attempt to reinstate the ad hoc committee investigators

During a meeting of senior Staff officers held in the days that followed Mr. Barbeau's withdrawal, a decision was made to reinstate Messrs. Arsenault, Boudreault and Isabelle to administrative duties in order to place them on the same footing as Messrs. Dupré and Arcand. The reassignment letters signed by Mr. Boilard were never sent, as he had changed his mind and asked Mr. Letendre to destroy them. As the present Inquiry Commission had already been announced by the minister, Mr. Letendre did not dispose of the letters. He turned them over to the Commission through his lawyer after advising the Sûreté du Québec.

Internal investigation into the disciplinary charges

Following a legal opinion obtained by Mr. Boilard, according to which a mandate from the Director General, under Section 32 of the *Règlement sur la déontologie et la discipline des membres de la Sûreté du Québec,* must be entrusted to a single person, Mr. Boilard gave Mr. Letendre instructions to prepare two letters dated November 19 and 20, 1996, respectively. One letter was to revoke the mandate of investigators Bouchard and Lafrenière, and the other to name Mr. Bouchard with power to approve other officers of his choice at a time when the government was about to announce the appointment of Guy Coulombe as head of the Sûreté du Québec.

Gilles Bouchard chose Chief Inspector Jean-Claude Turcotte to assist him in the investigation into the alleged misconduct of investigators Arsenault, Boudreault and Isabelle. The appropriateness of his choice was raised by Louise Pagé, who apprised Mr. Boilard of her concern regarding Turcotte's impartiality.

(Top of page)

Conclusion

The Commission is well aware of the precariousness of the situation in which the Director General found himself in the autumn of 1995. The existential crisis experienced by the Sûreté du Québec, the public denunciations of deviant behaviour with regard to criminal investigations, the bloody warfare being waged among criminal motorcycle gangs and the indictment of four officers of the Sûreté du Québec brought much pressure to bear on the Sûreté du Québec. In spite of the foregoing, Director General Serge Barbeau of the Sûreté du Québec, even in such overcharged atmosphere, cannot be excused for not having taken the necessary authoritative actions as early as the fall of 1995, to show leadership and deal ruthlessly with those of his officers who had openly defied and challenged his authority and, in so doing, undermined the credibility of the *ad hoc* committee.

Several witnesses took the position the fact that if the investigation conducted by the *ad hoc* committee strayed from its course, if it raised ire and opposition at every level within the Sûreté du Québec, it was largely due to the methods followed by the three investigating officers in the performance of their mandate. The Commission does not share this point of view. The crisis that the Sûreté du Québec went through was more the result of a series of set backs and failures in the course of major police operations during the years which preceded the Matticks Affair. Of course, if the devastating impact of the Corbeil-Laramée judgment and the public denunciation by a former officer of the Sûreté du Québec regarding the somewhat questionable practices used in criminal investigations are factored in, the troubling context in which the investigation led by the *ad hoc* committee took place is easily understood.

It is not surprising that the three investigators were confronted against the implacable law of silence and police solidarity, both having achieved dogma status, in spite of what many claimed. Any blockage or resistance that ensued was not the result of the behaviour of the *ad hoc* committee members. Under the circumstances and given the occasional mitigated support they received from the Director General and the senior Staff officers, they performed an enormous amount of work under most trying circumstances and in a clearly hostile work environment.

The determination displayed by the members of the *ad hoc* committee and the complaints they lodged in connection with the hindrances and difficulties which faced them at all levels of the Sûreté du Québec only succeeded in creating more animosity towards them. It is not surprising that considerable foot dragging took place before the August 26, 1995, party was investigated and that additional excuses were raised in order to delay the investigation. The inconsistent and muddled manner in which the internal investigation into the party was conducted is symptomatic of the unrest that prevailed at the time within the Sûreté du Québec's internal affairs unit.

The decision of the members of the *ad hoc* committee to contest, by means of a judicial review motion on August 24, 1996, the inquiry mandate given Judge Bonin in June 1996 in connection with the organization and management of internal investigations and the August 26, 1995, incident served to alienate them even more from the executive ranks of the Sûreté du Québec.

The decision to entrust the disciplinary investigation into the conduct of the *ad hoc* committee members with senior officers of the Sûreté du Québec during the troubled times that existed in the autumn of 1996 displayed a lack of judgment on the part of the Director General. The two officers who were appointed were not impartial. Although the framework of the investigation should have been defined in the three disciplinary complaints against the members of the *ad hoc* committee, in certain aspects the investigation assumed the appearance of a fishing excursion designed to uncover new evidence extraneous.to the facts raised by the complaints. The investigation was not conducted with objectivity, impartiality, independence or in accordance with proper investigative procedure.

The other internal investigations resulting from the Matticks Affair fall under the same category. There existed a lack of willingness and diligence on the part of the senior ranks of the Sûreté du Québec to take appropriate measures to conduct an in-depth investigation into the Matticks Affair. The importance of the problems uncovered by the *ad hoc* committee members was denied. Yet some of the problems were common to both internal and criminal investigations. They resulted from multidimensional delays existing within the Sûreté du Québec.

(Top of page)

Institutional realities

First, the Commission identified problems that were attributable to the Sûreté du Québec, as a whole, the effects of which impacted both criminal and internal investigations.

To begin with, the Sûreté du Québec has fallen behind comparable efficient police organizations. This situation is

due in part to hiring freeze periods, the effects of which had not been foreseen. If the Sûreté du Québec was not able to anticipate the situation, it is largely due to an absence of corporate memory. The Sûreté du Québec's institutional memory is limited to what has been "handed down through the ranks"..

Budget cuts also took their toll while conventional operations were favoured to the detriment of technological and computer development. Results of the operations conducted by the Sûreté du Québec should have constituted evidence of its performance.

The Sûreté du Québec failed to adopt, in a timely fashiong, a plausible Mission, Vision and Values statement, the product of which would mirror the values of our free and democratic society, as found in its charters of rights and liberties.

The officers of the Sûreté du Québec feared losing their place on the provincial police scene during reforms. In addition, differences developed within its ranks nurtured by divisions between investigations and patrols and among officers, managers and civilians.

In fact, the delays triggered a resistance to change, with members of the organization perceiving such change as contributing to their own loss.

In the eyes of many, with the Matticks Affair, the Sûreté du Québec had set an unenviable record among police forces that had become infamous through scandals of corruption and abuse. It is obvious to the Commission that the Sûreté du Québec neither recognizes nor acknowledges its own deviance. Being incapable of proffering an earnest diagnosis, the Sûreté du Québec cannot prevent or correct the deviancies or mate out sanctions in their connection. The result is a feeling of immunity and impunity on the part of its members regarding deviant behaviour of all kinds, a feeling reinforced by the law of silence and by the rumour mill. The serious attempt in 1996 to raise ethics to its proper place within the Sûreté du Québec was soon sidetracked.

The Commission also examined the management of the Sûreté du Québec. It quickly noticed that the Sûreté du Québec overestimated the reforms in progress, which were identified with the new administration, as much because they were incomplete or timid as because they were not based on an in-depth diagnosis. In summary, the management processes of the Sûreté du Québec suffer from parochialism. External expertise is too infrequently called for. The criteria and practices of the Sûreté du Québec were not compared with those of similar police forces.

This management autarky, attributable in large part to closed recruitment, also contributed to the slow development of the Sûreté du Québec in the field of technology, a situation that is made more apparent given the computerization of criminal investigations or the little importance given by the Sûreté du Québec to research and development.

Planning was limited to an annual mock exercise that called for an excess of resources in the middle of cutbacks and where the objectives were not clearly organized in a hierarchial fashion, if they were at all identified.

The Sûreté du Québec is not in tune with modern public enterprises either, insofar as its accountability is concerned. In fact, although its internal audit methods seem objective, they remains isolated and fragmented as only a few units are targeted annually and it is difficult to pinpoint the corrective measures and means taken to ensure their follow-up. Moreover, the government is too lax and fails to ensure that external inspections under its jurisdiction are carried out.

(Top of page)

Criminal investigations

While the department, concerned with the rationalization of police services, undertook the reform of special services, the Sûreté du Québec, in order to strategically position itself vis-à-vis the SPCUM (Montreal Urban Community police) and to diminish the negative repercussions of prior setbacks, reorganized criminal investigations in 1996 by moving most of its investigation personnel to Montreal. This renewed competition did nothing to promote teamwork. A virtual police war was being waged at a time when, in the absence of provincial strategic planning in the fight against crime, organized crime expanded outside city limits.

The absence of strategic planning has its source in the inexperience of the specialized units, some with only ten years' existence, and also in the lack of specific training of managers and investigators. The Sûreté du Québec seems to have discovered that quality control can be applied to investigation and management, but it has not yet initiated a viable process of reengineering investigations, though speaking about it for years.

The Commission feels that calling upon the professionalism of the officers would not be sufficient to correct deficiencies resulting from recruitment methods based on seniority, the low entry level to investigations, the race for promotions, the absence of evaluation, deficiencies in the training process, the lack of vision and a labour contract poorly adapted to the world of criminal investigations.

Regarding criminal information, the Commission observed a history of conflict between the Sûreté du Québec and other large police forces in Quebec. The authentication and sharing of information gathered by the Sûreté du Québec criminal information service are lacking. Moreover, police services which provide criminal information complain that they do not have adequate access to this service. There is an important delay in technologies applied and a lack of technological uniformity among the police services. The Commission also observed the omission to make use of the criminal information service in the strategic planning of criminal investigations.

The Commission observed that police forces in Quebec make greater use of electronic surveillance than police in Ontario. The Sûreté du Québec is about average in this respect in Québec. Can this phenomenon be explained by the distinctive feature of crime in Quebec, or by the distinctive characteristic of investigations conducted by Quebec police? The Sûreté du Québec would be well advised to look into this issue and to come up with management procedures designed to provide greater protection of private life and, especially, better protection of privileged communications. Moreover, because authorization applications for electronic surveillance are presented *ex parte*, periodic controls should be conducted, with the support of external expertise in order to verify surveillance operations on technical, technological and legal bases.

The Commission feels that the Sûreté du Québec neglects conventional information gathering means while favouring the use of informants and informers. There is a lack of provincial policy relating to police management of informants and informers. As for informants, the Sûreté du Québec does not verify their information nor respect its obligation of confidentiality toward them. As regards informers, no effort is made to produce annual reports with useful information. Two specific problems exist: the informer is not represented by counsel at the signing of the agreement and he is not provided with a change of identity.

With regard to practices governing "interviews for questioning," the Commission notes an important omission in the way this is handled within the Sûreté du Québec. The Commission is of the opinion that Sûreté du Québec investigators abuse their powers of arrest and their power of detention to interrogate persons who are not arrested.

In addition to the absence of clear provincial policies in this area, the Commission is concerned with the difficulties encountered by the Sûreté du Québec officers when called upon to conduct criminal investigations involving officers from other police forces. They are confronted with a law of silence similar to that found in organized crime. Often, they start their investigation while the Sûreté du Québec or the police force involved has already publicly made known its conclusions on the events. Moreover, the Commission finds that citizens investigated under the same circumstances cannot avail themselves of the treatment that the investigators grant officers under investigation.

On the subject of police searches, the Sûreté du Québec displayed an obvious lack of professionalism, as in the taking of notes and the preparation of reports. The inability to consult competent counsel complicates matters. The Sûreté du Québec's approach was to accomplish a strict minimum in terms of legal requirements. The Commission acknowledges recent effort regarding the management of court exhibits and the training of its members.

(Top of page)

Internal investigations

The Commission took an in-depth look at the impact of two institutional realities regarding its internal affairs. The first arises from the problem the organization has in taking stock of the problems that could result from police culture if poorly controlled . The second falls directly under its managerial deficiencies.

A crisis of values has shaken the Sûreté du Québec from the beginning of this decade. The Commission is of the opinion that an unprecedented crisis of values within the Sûreté du Québec started with the Oka affair, and especially the disciplinary complaints and the public inquiry conducted by coroner Gilbert which ensued. The concepts of loyalty, integrity and equality are poorly understood. Any criticism of the organization or its practices made by a member appears suspect. The denunciation of behaviour, even of a criminal nature, is far from the norm. An unhealthy air of solidarity, expressed through the law of silence and retaliations, seems to hold sway within the organization. It affects officers as well as unionized members.

The Sûreté du Québec seems more intent on preserving its image than on conducting in-depth investigations to

shed light on cases of misconduct and organizational deviance which may develop within the organization or within certain of its units.

Compared to other public and private organizations, the Sûreté du Québec is lagging behind in managing the problem of professional harassment, be it of a sexual or other nature. The policy that it has just adopted is not in harmony with its disciplinary process, as if harassment did not constitute a misconduct or fall within the ambit of a disciplinary offence.

The Commission sought to better understand the legal or practical difficulties that might jeopardize internal investigations conducted by the Sûreté du Québec or prevent the imposition of sanctions on individuals who acted inappropriately, or cause problems to investigators entrusted with such investigations. Thus, the Commission dwelled upon problems that have an impact on criminal or disciplinary investigations. However, in so doing, it could not completely disregard police ethics investigations, if only by reason of the impact that the request for an investigation by Minister Ménard to the police ethics commissioner had had on the internal investigation of the *ad hoc* committee appointed by Director General Barbeau to investigate the Matticks Affair.

The Commission noticed that the present system of police ethics had the effect of freeing the administration of the Sûreté du Québec from any responsibility. Under the pretext of refraining from meddling in or hampering the investigations of the police ethics the commissioner, the administration omits to inquire into facts that might have led to an ethical complaint against one of its members and delays or refrains from undertaking any investigation process of a criminal or disciplinary nature regarding such facts. A police ethics investigation seems to hamper the holding of a simultaneous internal investigation.

The Commission, after two years of work and in spite of the corrective measures that the Sûreté du Québec contends having undertaken, both regarding its criminal investigations of major crimes and its internal investigations, is of the opinion that the Sûreté du Québec does not have the necessary impartiality, and as a result, the necessary credibility to conduct investigations into crimes that its members might have committed. The Commission cannot help but observe that many of the criminal investigations conducted by the Sûreté du Québec on their own officers did not follow proper procedure, sometimes bringing about unjustified acquittals, charges that should never have been laid or inexplicable provisional suspensions, be they under the circumstances of their application or their duration.

Sûreté du Québec's management does not lend all the support essential to its internal affairs department. The absence of strategic management causes it to modify its structures, a cosmetic change that ill-conceals the inefficiency of a management, which, incidentally, does not have the means to attain its ambitions. Given its present staff and management and investigative tools, the internal affairs unit is ineffective. Delays in the disciplinary process are such that managers do not bother filing a complaint. Everything is settled by setting aside the disciplinary procedure provided by the government.

Through its work, the Commission was made aware of the obsolete nature of the present *Règlement sur la déontologie des membres de la Sûreté du Québec* and of its eminently harmful impact on the smooth operation of the disciplinary process in effect at the Sûreté du Québec. This regulation contains so many procedural requirements and steps to overcome that it is the source of unwarranted delays, with an average of 30 months for the final outcome of a disciplinary process. The requirements take the form of a veritable obstacle course on which the employer is liable to trip up as soon as its management policies falter, leading to costly and needless legal disputes. The regulation is a major handicap to an efficient and effective internal investigation process, both as regards the ability to uncover and eradicate such deviance.

After analysing the disciplinary regulation newly proposed by the Sûreté du Québec, the Commission concludes that it would not provide for an efficient management of disciplinary measures to be imposed. It contains many of the same difficulties and constraints as found in the present regulation.

The Commission feels that it is essential to change completely the Sûreté du Québec's management style in the area of human resources and work relations.

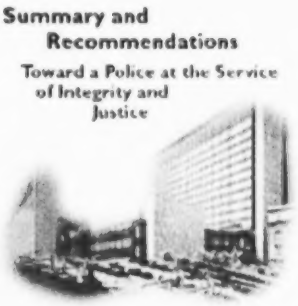
(Top of page)

2003-01-31 2:45 PM

© Gouvernement du Québec, 2004

Sécurité publique Québec

- Appointment of the Commission
- The Inquiry Process
- Structure of the Report
- Forewarning
- Highlights of the report
- General Conclusions
- Recommandations
- Full Text (in French)



General conclusions

The Commission has set forth 175 recommendations, drawn from all aspects of its research, from the aftermath of the Matticks Affair to its analysis of the institutional realities within the Sûreté du Québec and their impact on management practices in criminal investigations of major crimes and internal investigations.

The Commission is of the opinion that the government must be convinced of the need for changes herein proposed. The occurrence of a scandal or a crisis provides citizens with the opportunity to demand changes. In this case, however, the government does not intervene to re-establish order until the damage has been done and it is made aware of this fact. There is no doubt that an attentive ear tuned to the concerns of the citizens, exasperated with police crises, is part of the democratic process and helps to avoid the drifting toward quasi-absolute police authority. It is important that the government, armed with past experience, should intervene immediately and take the necessary steps to avoid another crisis or scandal.

The Commission exhorts the Government of Quebec and the Minister of Public Security to lend the Sûreté du Québec and its Director General the support and the necessary means to accomplish this essential change in policy. The government must exercise control.

At the heart of the questions examined by the Commission and the concerns it has expressed, can be found recommendations designed to prepare the government and the Sûreté du Québec to better serve the population, by providing pragmatic responses to the classic and fundamental question:

"Who is policing the police?"

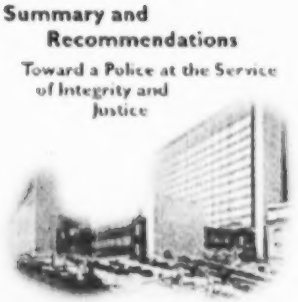
2003-01-31 2:44 PM

Québec

© Gouvernement du Québec, 2004

Sécurité publique Québec

- Appointment of the Commission
- The Inquiry Process
- Structure of the Report
- Forewarning
- Highlights of the report
- General Conclusions
- Recommandations
- Full Text (in French)



Recommendations

Although the recommendations that follow are drawn from all aspects of the Commission's inquiry, they are listed at the end of chapters or headings, as the case may be. In order to make the recommendations easier for the reader to locate, they are hereinafter set out under their original headings and chapters. ***With regard to the legal framework of the Sûreté du Québec (heading I, chapter II):***

It is recommended that:CONSEIL DE CONTRÔLE PERMANENT(standing control board) (Conseil)

1. The Government establish a *Conseil de contrôle permanent de la Sûreté du Québec* (standing control board), whose function will be to examine questions falling within its jurisdiction and to submit any recommendations it deems appropriate to the Director General and the Minister of Public Security;

1.1 The Conseil be composed of seven members appointed by the Government;

Among the members chosen to form the Conseil, four be recognized as leaders in the various fields that will be beneficial to the Sûreté du Québec, that is, law, administration, labour relations and social sciences;

The Conseil also be made up of a full-time member of the *Association des directeurs de police et de pompiers du Quebec* (ADPPQ) and two members appointed as president and vice-president by the National Assembly;

The Government not appoint police officers or retired police officers to the Conseil, except in the case of a member of the ADPPQ or members appointed by the National Assembly;

1.2 The appointment to the Conseil be for three years, with a third of the members being replaced annually, except for the initial setting up of the Conseil, wherein the duration of the appointments may be less than three years for certain members in order to ensure continuity and their replacement;

1.3 The Conseil hold four sessions annually. The hearings will be public unless ordered in camera. The Deputy Minister of Public Security may attend all closed meetings at the invitation of the Conseil. He will have the right to speak but will not have the right to vote;

1.4 Each member of the Conseil have one vote, and decisions adopted be by majority;

1.5 The Director General of the Sûreté du Québec provide the Conseil with a quarterly report on the activities of the Sûreté du Québec;

1.6 The Government amend the *Police Act* in order that the Conseil be created through legislation and that regulations to clarify its mandate and operational rules be passed by the Government;

(Top of page)

Moreover, it is recommended that:

2. The second paragraph of section 44 of the *Police Act* be amended in order to add that, at no time the term of the Director General of the Sûreté du Québec may exceed a period of ten (10) years;

A new paragraph be added to section 44 of the *Police Act* causing the Government to seek the advice of the Conseil before the term of office of the Director General is renewed;

2.1 A new paragraph be added to section 44 of the *Police Act* stating that the non-renewal of the Director General's term upon completion thereof not be considered as a discharge;

2.2 Section 43, subparagraph 2, paragraph 3 of this section of the *Police Act* be amended by the addition of the words "any other reason" which follow the words "inability to act", since the notions of "absence and inability to act" do not explicitly cover the situation wherein the Director General would be prevented from carrying out his duties due to the decision of the Government to relieve him temporarily of such duties;

2.3 A Deputy Director General not be dismissed during his term of office by anyone except the Government, upon report of the Minister of Public Security and following an inquiry;

2.4 The *Police Act* be amended by the addition of a clause stipulating that a member of the Sûreté du Québec who holds a full-time union position be obliged to hand in his service revolver, handcuffs, police identification and any other property belonging to the Sûreté du Québec to his immediate superior in the event of his appointment to a full-time union position. Moreover, he will remain subject to the current disciplinary regulation outlined in the *Code of ethics of Québec police officers*. At the end of his union term, the member will be reinstated to his position with the Sûreté du Québec, provided that he meet the requirements for the position, at which time the Sûreté du Québec may verify through means of an evaluation whether the member meets the requirements of the position, and, if necessary, send him for retraining before returning to his duties;

3. The *Labour Code* be amended in order to subject the applicable Sûreté du Québec union system to it in the same way as that of other municipal police forces. Consequently, the *Act respecting the Syndical Syndical Plan of the Sûreté du Québec* will have to be repealed. The application of the *Labour Code* will have the particular effect of excluding from the negotiations unit members of the Sûreté du Québec who hold non-union positions as stated under the Code. Moreover, any "employment contract" reached between the Government of Quebec and the union representing unionized officers shall be delivered to the registry of the *Bureau du Commissaire général du travail*, as well as any changes to the "collective agreement." By subjecting unionized members of the Sûreté du Québec to the *Labour Code*, any illegal strike may entail the filing of a penal complaint. Lastly, the union will be subject to obligations not presently covered in the *Act respecting the Syndical Plan of the Sûreté du Québec*;

3.1 If the *Act respecting the Syndical Plan of the Sûreté du Québec* is not repealed, a clause, similar to that of section 142 of the *Labour Code*, be added to it;

3.2 If the *Act respecting the Syndical Plan of the Sûreté du Québec* is not repealed, it be amended in order to relieve the Comité paritaire et conjoint (joint committee) of any decisional power relating to grievances and to see that any clause in the employment contract to this effect between the Government and union of the members of the Sûreté du Québec be inoperative;

4. When the Director General is newly appointed for a mandate of at least a three (3) years, he may recommend that the Government replace one or more of the present Deputy Directors General;

To fill the positions of Deputy Director General, a selection committee made up of members of the Conseil (who may look to a human resources specialist) compile a list of potential candidates to fill the positions from among those individuals who applied for the post;

The Director General recommend to the Government one or more of the candidates chosen by the selection committee, that he inform the Government of the recommended candidate's disciplinary, ethical, and, if necessary, criminal file, and also furnish the selection committee's report;

The Deputy Director General in office at the time of the new Director General's appointment remain at their post until replaced by the above-mentioned procedure;

Any Deputy Director General whose mandate is not renewed by the Government in compliance with the above-mentioned procedure may choose to return to the position he held with the Sûreté du Québec or the Public Service, as the case may be, before being appointed Deputy Director General, or to receive a buy-out package equivalent to two (2) months' salary for each year of service in the capacity of Deputy Director General, to a maximum of twelve (12) months' salary. In such a case, the non-renewal of the mandate will not constitute a dismissal;

Any person, including a Deputy Director General whose mandate was not renewed, who was not considered for or appointed to the position of Deputy Director General has no recourse against this decision;

In the event that the Government decides to fill the position of Deputy Director General on a permanent basis, the above-mentioned selection procedure will apply;

5. That the Director General file a report to the Conseil of any strike situation or pressure tactics on the part of the members of the Sûreté du Québec (unionized or not), and the resulting measures taken;
6. The *Règlement sur la rémunération et les conditions relatives à l'exercise des fonctions des officiers de de la Sûreté du Québec* be amended to repeal the provisions relating to the appeals committee, and that provision be made so that any dispute of disciplinary or administrative measures as well as those dealing with the application or the interpretation of the regulation be submitted to a referee jointly chosen by the Sûreté du Québec and the officer concerned, or appointed by the Minister of Labour if no agreement between the parties is reached;
7. Section 48 of the *Act respecting police organization* be amended in order to stipulate the commissioner of police ethics' obligation to inform the Minister of Public Security of any communication with the Director General of the Sûreté du Québec regarding prejudicial situations seen in the exercise of his duties, as well as the obligation of the Director General of the Sûreté du Québec to inform the Minister of Public Security within thirty (30) days of any remedial action he has taken or plans to take regarding the commissioner's observations of prejudicial situations, in order to avoid a repetition of said incidents.

(Top of page)

With regard to the Matticks Affair and its aftermath (heading II) :

It is recommended that :

8. The Director General of the Sûreté du Québec reassess all of the disciplinary complaints instituted by the Sûreté du Québec following the Matticks Affair, the Duclos et al. trial, the ad hoc committee's investigation and their petition for judicial review, and, if necessary, by reason of or following the work of the Inquiry Commission, in order to decide the appropriateness of taking advantage of the powers conferred upon him through section 90 of the *Règlement sur la déontologie et la discipline des membres de la Sûreté du Québec* with regard to all or some of these complaints.

With regard to the realities of the Sûreté du Québec on the whole, liable to have an effect on both its criminal and internal investigations (heading III, part I, chapter I) :

It is recommended that :

9. The Sûreté du Québec adopt a Mission, Vision and Values operation. This operation will be accompanied by considerable consultation with members of the Sûreté du Québec, and be seen as a modernisation effort simultaneously affecting its mission, intervention philosophy and management and reporting techniques;

9.1 The Sûreté du Québec formally incorporate into its mission the goal of promoting the values of a free and democratic society such as are set forth in the Canadian and Quebec charters of rights and freedoms;

9.2 The Sûreté du Québec, following consultation with the Conseil, adopt a mission and values statement for its organization;

9.3 The Director General of the Sûreté du Québec obtain the approval of the Minister of Public Security before implementing the Sûreté du Québec's mission and values statement and before embarking on the goals that it has set for itself;

10. The Sûreté du Québec closely align itself with the redefinition of its mission, the development of the qualities required and the ideals to promote among its members;

10.1 The Sûreté du Québec recognize the contribution of civil employees to its mission by planning to implement the status of civil member;

11. The Sûreté du Québec take into consideration the duration of a police officer's career, and manage the age pyramid of the force in order to avoid abrupt hiring fluctuations;

12. The Sûreté du Québec develop an original model of community policing wherein the organic link between the police force and criminal investigations is maintained in such a way as to have front-line staff contribute to the prevention and solution of crimes;

(Top of page)

With regard to the phenomenon of deviant activity within the Sûreté du Québec (heading I.I, part I, chapter II) :

It is recommended that :

13. The Sûreté du Québec's annual activity report include the follow-up of disciplinary, ethical and criminal files regarding its members, and the measures implemented to correct the situation, if necessary;
14. The Sûreté du Québec periodically remind its members of their obligation to be vigilant in the prevention of violence and, to this end, remind them of the necessity of enforcing subparagraph 103 (2) of the *Criminal Code* with regard to police officers, in full awareness that the officers possess firearms;
15. The Direction des affaires internes (internal affairs directorate) continue the efforts of the defunct Direction de l'éthique professionnelle (professional ethics section) with a view to understanding the phenomenon of deviant activity within the Sûreté du Québec in order to correct the situation before it escalates;

15.1 The Direction des affaires internes develop and suggest early warning systems to detect deviance, and programs to correct deviant behaviour as soon as it is detected;

16. Section 49 of the *Police Act* and section 22 of the *Règlement sur la déontologie et la discipline des membres de la Sûreté du Québec* be amended to ban those activities that are incompatible with the duties of a member of the Sûreté du Québec. Moreover, the Act and every disciplinary regulation shall oblige members of the Sûreté du Québec who hold other jobs to declare the nature of their employment;
17. The Sûreté du Québec set up a permanent legal counselling service. This service will be accessible to all officers and management of the Sûreté du Québec, 24 hours per day, in order to assist them promptly in the execution of their duties.

(Top of page)

With regard to the management of the Sûreté du Québec (heading III, part I, chapter III):

It is recommended that:

18. The Sûreté du Québec establish a strong "access to equality" program, the results of which will be submitted bi-annually to the Conseil. The Sûreté du Québec shall first establish and publish a diagnosis of the situation, not only for the officers, but also by classification, by department, and by service, keeping in mind the positions held and ranks. Concrete and immediate measures, such as lateral appointments, particularly for investigative duties, shall be programmed so that, especially in cases of sexual aggression, victims can be expeditiously interviewed by members of the same sex;
19. The Sûreté du Québec set up a location for research and development. This location, linked with the duties of information, strategic planning and training, will serve to pinpoint the tendencies that will influence criminal investigations and identify new means to fight crime;

19.1 The Minister of Public Security ensure that new technology choices made by the Sûreté du Québec are compatible and avoid duplication, by setting up a proper method of consultation;

19.2 The Sûreté du Québec ensure that the Direction des ressources humaines (human resources department) and the information technology unit benefit from the necessary leadership and means so as to assume a driving role in the changes to be introduced;

20. The Sûreté du Québec ensure that sector-based planning be subject to its strategic planning;
21. The Sûreté du Québec revise its hierarchic levels of supervision for internal investigations. These levels will not necessarily correspond to a hierarchy characteristic of the police force, but be adapted rather to the reengineering of criminal investigations. In particular, the Sûreté du Québec will look at other ways for career advancement than by the simple promotion in rank;
22. The Sûreté du Québec import, adapt or perfect qualitative and quantitative evaluation tools for management performance;

22.1 The Sûreté du Québec set up a permanent system for evaluating the qualifications of candidates for given positions, and for evaluating the quality of their work during their employ;

23. Training at the Sûreté du Québec pursue two concomitant goals: the development of career plans that incorporate an ever-increasing level of expertise, and the integration of such expertise in the Sûreté du Québec's development;

23.1 The Sûreté du Québec ensure implementation of upgrading programs, the successful completion of which is to be a condition for criminal investigation managers and investigators remaining in their posts;

23.2 The level of educational qualifications required for criminal investigations at the Sûreté du Québec be significantly and progressively raised over the next several years, to reach the university undergraduate level by the year 2007;

23.3 The Sûreté du Québec plan for the training of its members in the long-term, and according to staff rotation in criminal investigations and supporting positions;

23.4 The Sûreté du Québec, in view of the geographical distribution of its staff, make every effort to use

new information technology in training its members. More especially, it is recommended that the Sûreté du Québec make use of computer e-mail to inform all its members of changes pertaining to criminal law and to discuss questions received on this topic;

24. The increase in formal qualifications constituting the entry level for criminal investigations in the Sûreté du Québec be accompanied by a revision and lengthening of pay scales for the police force and for specialised services. This pay reform shall be accompanied by incentive measures designed to promote additional training, and by acknowledgement of such training through recognized diplomas;
25. The recruitment of investigators and managers at the Sûreté du Québec be open to both university graduates and to members of other police forces, and that their training be linked to their career development;
26. The Sûreté du Québec conduct a review of the evaluation of supporting positions and take into account not only the levels of responsibility in other comparable police forces, but also the comparable levels of responsibility in the public and semi-public sectors;

26.1 Personnel recruitment experts examine the practices of job reclassification and file a report with the Director General and the Conseil;

27. The Director General of the Sûreté du Québec seek the advice of the Conseil before:

- establishing the requirements in terms of civilian and police personnel;

- establishing staff hiring practices for the organization;

- making recommendations to the Government relating to the appointment of any member of the Staff, as well as the appointment or promotion of superior officer;

- making recommendations to the Government relating to changes to the *Règlement sur la rémunération et les conditions relatives à l'exercice des fonctions des officiers de la Sûreté du Qu Québec*; and,

- making recommendations to the Government relating to management requests and positions, with a view to renewing the employment contract of the members of the *Association des policiers provinciaux provinciaux du Québec*, before the initial submission of management's draft proposals at the negotiating table;

28. The Conseil analyse the organization's budget and any modifications made to it before forwarding it to the Minister of Public Security;
29. The Conseil receive all complaints or criticisms made by officers and civilian employees regarding the management policies, practices and procedures of the organization;

29.1 Where it is necessary to question officers or civilian employees of the Sûreté du Québec as witnesses or to hold an investigation into an area that falls under the Conseil's jurisdiction, the Conseil may summon before it any individual, and, if warranted, request any document in the control or possession of the individual named in the summons.

(Top of page)

With regard to the accountability of the Sûreté du Québec (heading III, part I, chapter IV):

It is recommended that:

30. During the planning of internal audit activities, the Sûreté du Québec draw up a list of specific problems to be identified and targeted by the audit verification;

30.1 Follow-up documents to the Sûreté du Québec's internal audit clearly state the objectives of the audit, the problems identified and the corrective measures implemented;

30.2 The Sûreté du Québec provide both the Minister of Public Security and the Conseil with copies of all internal audit reports and follow-up documents;

30.3 The observations remarked in response to the internal verification report be signed by the responsible administrator;

30.4 Following an internal verification of an administrative unit of the Sûreté du Québec, the *Service de la vérification et du contrôle de gestion* ensure that the proposed corrective measures are implemented, and file a report to this effect to the Director General the following year;

31. The Sûreté du Québec abide by the recommendations of the Auditor General, and that the Minister of Public Security see that the Sûreté du Québec follow the Auditor General's recommendations, and table same before the National Assembly;
32. When the Sûreté du Québec recommends that the Minister of Public Security confirm a promotion, it shall provide the minister with a complete dossier of the officer up for promotion;

shall provide the minister with a complete dossier of the officer up for promotion;

32.1 The Sûreté du Québec adopt a management information system that will allow members' files to be updated and complete;

33. The Minister of Public Security proceed with an inspection of the Sûreté du Québec as soon as possible, with similar inspections to be conducted at least every five years, as per sections 174 and 175 of the *Act respecting police organization*;

34. The *Act respecting police organization* be amended in order to include an obligation on the part of the Director General of the Sûreté du Québec to inform the Minister of Public Security of any information which may cause the minister to proceed under section 173 of this same *Act*;

34.1 The *Act respecting police organization* be amended in order to oblige the Minister of Public Security to give an annual account of the application of the provisions set forth under heading IV of the *Act respecting police organization* in the National Assembly;

35. The Sûreté du Québec ensure that, when compiling the reference manual for the Minister of Public Security, special attention be given to that are liable to produce negative repercussions;

36. The *Police Act* also provide for Conseil's obligation to prepare an annual report on its activities and recommendations. This report will have to be submitted to the Minister of Public Security, who shall table it before the National Assembly within thirty (30) days of receiving it;

37. The Sûreté du Québec draw up an inventory of its public relations policies and practices by pointing out their compliance with the recommendations of the Guérin Report, or, if required, by explaining why they do not comply;

37.1 The Director General forward this inventory after commenting upon it, to the Conseil so as to permit the Conseil to study it and make recommendations;

38. The Conseil have the mandate to study any question relating to relations between the Sûreté du Québec and the public, and receive all complaints or criticisms by the citizens regarding the policies, practices and management systems of the Sûreté du Québec;

38.1 The Conseil receive the representations of any person or group of persons regarding the objectives and the administration of the Sûreté du Québec. It will also be able to hold hearings to this end. To do so, the Conseil may not hold hearings on a topic that is being investigated by the commissioner or any person named as investigator under sections 181-183 of the *Act respecting police organization*, and may not encroach upon the jurisdiction of the commissioner of police ethics;

38.2 Within the limits of its jurisdiction, the Conseil may summon before it any person, and, if warranted, order such person to file any document under his or her control or possession;

(Top of page)

With regard to the mandate of the Sûreté du Québec's Direction des enquêtes criminelles *(heading III, part II, chapter I):*

It is recommended that:

39. The Minister of Public Security acknowledge that one of the essential objectives of his department is the strategic planning of the fight against crime, in concert with all concerned police agencies;

39.1 The Minister of Public Security implement a strategic planning process in the fight against crime, to be established with the assistance of all police forces called to play a major role in this connection;

40. The Sûreté du Québec decentralize its operations by setting up regional centres for services, specialized investigations and operational support;

With regard to the problematic effects on the Sûreté du Québec's Direction des enquêtes criminelles *(heading III, III, part II, chapterII)*:

It is recommended that:

41. The Sûreté du Québec promote the transfer of expertise with other police agencies;

42. The Sûreté du Québec favour partnerships among directors and investigators by developing training programs tailored to their needs;

42.1 The Sûreté du Québec strengthen partnerships with other police agencies, and especially target increased cooperation with the MUC police;

42.2 The Sûreté du Québec and the *Association des policiers provinciaux du Québec* agree upon more flexibility regarding work conditions in order to facilitate partnerships with other police agencies;

42.3 The Sûreté du Québec widen partnerships at the international level by working in cooperation with the

Royal Canadian Mounted Police;

42.4 The Government favour partnerships among municipal police forces, the Royal Canadian Mounted Police and the Sûreté du Québec, and make provision for mechanisms that facilitate the management of mixed investigation units;

43. The functional reorganization of criminal investigations at the Sûreté du Québec target the organization of squads which focus on particular crimes, as exemplified by the Carcajou squad. Thus, squads should be polyvalent and composed of various specialized investigators;

44. The Sûreté du Québec plan to adapt the H.O.L.M.E.S. system to conduct its major investigations. Moreover, it should borrow its information management principles for all criminal investigations into major crimes;

45. The *Commission d'accès à l'information* (information access commission) ensure that the megafiles on criminal information and security information be updated regularly;

46. The Sûreté du Québec modernize its computer network by adopting a forward-thinking vision and process to introduce computer technology into criminal investigations, and set up an institutional mechanism that will report on the effective use of information technology in criminal investigations;

46.1 All managers of criminal investigations at the Sûreté du Québec acquire sufficient knowledge of the potential of technological devices used by their staff, and the use thereof;

47. Every investigation file contain an inventory list that chronologically displays the documents added to the file, as well as a form that also chronologically displays the list of items that are attached to the file, as well as the exact location where they are stored beyond the judicial process;

47.1 All forms, documents, etc., pertaining to an investigation be signed and dated;

48. Through regulation, the Government define the responsibilities of police forces and organizations involved in criminal investigations, regarding the duration of the conservation of documents;

49. All managers and investigators faithfully and promptly record the facts and management practices of an investigation;

49.1 The Sûreté du Québec pay special attention to the precision with which the work of investigators and managers is documented and take same into account in the evaluation process;

50. The ministère de la Sécurité publique update the protocol for crime scene protection according to technical progress;

51. The Sûreté du Québec ensure that the same quality of specialized services is made available throughout the province;

51.1 The Minister of Public Security revise the proposal for providing specialized services by sparing the Sûreté du Québec the responsibility for the operational coordination of mixed units, as is currently the case;

52. The Government take the necessary measures, both in the areas of finance and the revision of the hiring practices of police and civilian personnel at the Sûreté du Québec, in order that delays appearing in the areas of criminal investigation management and support be remedied rapidly;

52.1 The Director General of the Sûreté du Québec submit to the Conseil a revised and reengineered plan for criminal investigations;

52.2 The Sûreté du Québec call upon outside expertise to ensure the support of their members regarding major changes to criminal investigations proposed by the Inquiry Commission;

53. The management of criminal investigations at the Sûreté du Québec set out objectives in its fight against organized crime according to the prevention of crimes and the thwarting of criminal organizations. Once these targets are identified, it shall plan the means to attain them. The planning of the fight against organized crime shall come under a multi-year process of defining long-term objectives. This planning shall actively involve the Service des renseignements criminels;

53.1 The Director General prepare a strategic management plan that clearly indicates the strategic objectives regarding criminal investigations into major crimes. This strategic management plan will be submitted to the Conseil, which may suggest changes. The strategic management plan shall be forwarded to the Minister of Public Security for approval. The Director General will make regular reports on the plan to the Conseil. The Conseil will inform the Minister of Public Security of any difficulty in its realization and will make known its comments or suggestions;

54. The Sûreté du Québec concern itself with expanding the training of investigators and managers by exposing them to external influences, promoting their participation in exchange programs, training courses, or international seminars;

54.1 The Sûreté du Québec make every investigator's post subject to the successful completion of the investigator training program offered by the Institut de police du Québec, or another program recognized as equivalent by the public security department;

54.2 The contents of the criminal investigation program be periodically revised and updated to take into account the on-going computerization of investigative work and to include aspects such as quality control or the critique of police culture;

55. Priority be given to the public security department's proposal to create a *Guide de pratiques policières* (guide to police practices) to be used as "an organizational and methodical guideline and support tool". The Public Security Department shall produce volumes 1 and 3 and complete volume 2 of the

Guide de pratiques policières. Moreover, provision will be made for this Guide to serve as a tool comprising a set of minimal requirements to which all police agencies shall conform, including the Sûreté du Québec;

56. The Sûreté du Québec ensure that the accounting of training activities be conducted in a clear manner and that the year-end financial statement be provided to the Conseil by the Director General;

57. The Sûreté du Québec establish an on-going training program on court testimony and that a section of this program be designed for managers and deal with the evaluation of testimony;

58. The duties of managers of criminal investigations include a quality control procedure that requires them to read judgments and, if the case arises, testimony of members of their unit;

58.1 Managers of criminal investigations at all levels be liable for the quality of the testimony given by members of their unit;

58.2 Managers of criminal investigations be obliged to advise the internal affairs department of any case of perjury or contradictory testimony involving a member of the Sûreté du Québec;

58.3 The Sûreté du Québec pay special attention to any allegation by a plaintiff who claims to have been a victim of a threat of "evidence planting" from a member of the Sûreté du Québec. The same applies in the case of an allegation by a plaintiff accusing a member of the Sûreté du Québec of having insinuated that an accident could befall someone. In each instance, the Sûreté du Québec shall:

- ensure that an investigation is opened;
- collect and thoroughly document the nature of the allegations; and,
- verify whether the member involved has been previously accused in the same manner;

(Top of page)

With regard to problems relating to Sûreté du Québec practices regarding criminal investigations into major crimes (heading III, part II, chapter III):

It is recommended that:

59. The Minister of Public Security establish a public structure for the control of criminal information in Quebec, to manage the access to, security and sharing of criminal information;

59.1 The Minister of Public Security conduct a reorganization of a criminal information service central so that Quebec police forces are obliged to feed and make use of their data banks. This reorganization shall place the criminal information data banks under the control of a co-ordinating organization represented by the police forces involved and reporting to the Minister of Public Security;

59.2 In the event that the Government decides to entrust the responsibility of maintaining the criminal information service central with the Sûreté du Québec, the Conseil ensure that the Sûreté du Québec satisfy the needs of other police forces. The Conseil will pay particular attention to the measures of controlling access to information and to the continuous verification of information and the dangers of corruption and abuse;

59.3 In the event that the Government decides to confer the responsibility of maintaining the criminal information service central upon an organization other than the Sûreté du Québec, the organization chosen be subject to a public control structure that will pay particular attention to the measures of controlling access to information and to the continuous verification of information and the dangers of corruption and abuse;

59.4 The Sûreté du Québec or other organization chosen to maintain a criminal information service central shall, in its planning, ensure the development and updating of the technologies used in order to harmonize and facilitate the pooling of and access to criminal information by police forces in Quebec;

59.5 The main concern of all users of criminal information computer files be the authentication of information and not limited only to the compilation stage;

59.6 The Sûreté du Québec's criminal information service set up a system that will allow the user of the information to verify the process of authenticating the information contained in the data banks. The identification of every person who processes the information as well as the date of the operation shall be recorded. This system shall also enable all consultation attempts to be recorded;

59.7 The training of users of the *Centre de renseignements policiers du Québec* include a reminder of underlying principles of Québec legislation on confidential information, that is, the limitation of information gathering, the quality of data, the purpose and limitations of usage;

59.8 At the Sûreté du Québec, the task of analyzing criminal information strive to form a holistic rapport with criminal investigations conducted by the Sûreté du Québec;

59.9 The strategic planning of criminal investigations conducted by the Sûreté du Québec be set up according to the analyses conducted by the *Service des renseignements criminels* (criminal information service);

60. Criminal investigations at the Sûreté du Québec be reorganized into pluridisciplinary and timely task forces;

61. The Sûreté du Québec record conversations between officers and the command post during a police operation;

62. The Sûreté du Québec set up an external revision and quality control mechanism for affidavits and warrants for electronic surveillance;

63. The Sûreté du Québec conduct a periodic internal verification of its electronic surveillance division, calling upon the support of external expertise;

64. The ministère de la Sécurité publique conduct a study on the frequency with which the Sûreté du Québec avails itself of electronic surveillance, and on the operational and budgetary impact thereof, as well as on its compatibility with the constitutional requirement that it be used as a last resort in the investigation process;

65. The Sûreté du Québec prescribe, in a management policy, the nature of protections afforded by lawyer-client privilege with regard to the interception of private communications;

65.1 The Sûreté du Québec prescribe, in a management policy, those situations in which the interception does not end with the arrest of targets. The Commission suggests the following situations:

- in the case of suspects not in custody, unidentified or still operating;
- in the case of the continuation of the interception enabling the acquisition of new elements of proof against an identified person not yet arrested; and,
- in the case where the criminal behaviour that necessitates the warrant is still in progress;

The continuation of electronic surveillance in these instances will entail consulting with counsel;

66. The interception by the Sûreté du Québec of communications of lawyers or notaries not targeted by the electronic surveillance warrant entail an immediate report to the Attorney General;

67. A progress report of current investigation be given to the clerk of affidavits in preparation for an electronic surveillance warrant request; any supplementary information that justifies the electronic surveillance warrant request that is not included in the investigation progress report will be filed as a separate document by the clerk of affidavits;

68. The annual reports of the Attorney General of Quebec contain, aside from the requirements in section 195 of the *Criminal Code*:

- the number of refusals by a legal agent to present an electronic surveillance request and the conditions or type of amendments proposed;
- the number of connections by virtue of a general interception clause, and the total duration time used;
- the number of cases where the issuing of a warrant enabled the interception of a conversation between a lawyer and his client, privileged or not;
- the number of cases where it was felt that the conversation was privileged;
- factual information compiled similarly to that contained in reports of the Solicitor General of Canada;
- the number of applications for interception with consent, made under section 184.2 of the *Crimina Code*, the number of such applications that were authorized and the number by category of the individuals who signed such consents (source agent, victim, etc.); and,
- the enumeration of the various conditions imposed in the authorizations, and their number;

69. The Sûreté du Québec establish a system that permits:

- the length of listening time needed to distinguish a privileged client-lawyer communication to be determined by an analyst who shall also determine when the interception is to be interrupted;
- within the framework of the application of limiting clauses, the length of listening time needed by an analyst to identify the voice of one of the speakers as named in an authorization and commence recording, or, to decide that the communication shall not be recorded;

70. The Sûreté du Québec set up a free telephone line available to the public at all times, as well as similar processes, such as the establishment of mobile stations in strategic locations, for the gathering of information in the case of major crimes;

70.1 The information gathering services available to the public undergo periodic reviews to assess their cost-benefit ratio;

72. The Sûreté du Québec establish a management policy that integrates the use of sources, informants and other sources of information in a coherent group;

72.1 Payment to informants for information received take into consideration results expected and obtained, the quality and quantity of information, the number of arrests and the type of persons arrested, the effort devoted to the investigation and costs incurred;

72.2 The following recommendations regarding informants, drawn from the Verdon Report, be implemented:

- that the assessment of the credibility of codified informants be governed by a Sûreté du Québec policy and directive outlining the main factors to consider and allowing for the mandatory filing and updating of detailed reliability reports;
- that this same policy or directive clearly require that the source of information received by an informant, and reported in a report, document or communication to any authority, be explained in detail;
- that the Sûreté du Québec remain attentive and reprove, through internal controls, any utilization that leads to exaggerated or misrepresented statements, in order to protect the credibility of its members;

72.3 The Sûreté du Québec examine the feasibility of establishing an informant management committee similar to that of the Service de protection des citoyens de Ville de Laval;

72.4 The Sûreté du Québec ensure the protection of the identity of their informants by identifying them differently than by their identification number in every procedure or appendix that accompanies an application for a search warrant or legal authorization for electronic surveillance;

73. The Minister of Justice implement recommendations 8 and 9 of part II of the Guérin Report regarding informants, to the effect that an annual report on the agreements entered into with informants acting as witnesses be forwarded by the Conseil to the Attorney General of Quebec, who will make it public. This report shall indicate:

- the number of informants used;

h) the nature of advantages agreed upon;
i) the costs involved;
j) the particular problems encountered when using informants; and,
k) the crimes subject to partial or total immunity;

73.1 The Sûreté du Québec and the ministère de la Justice conduct an in-depth study of the Kaufman Report on the Guy Paul Morin case and, in particular, of the recommendations relating to the dangers involved in the use of witness informants having a criminal record. Notably, recommendations 39, 40, 41, 44, 47-53, 55, 56, 57, 61, 62 and 68 of this report should adapted to informants;

73.2 The Sûreté du Québec conduct regular internal verifications of its *Service de contrôle des sources*;

73.3 The Minister of Justice adopt a prosecution policy for informants and informant candidates who provide false information;

73.4 When negotiating their contract, the ministère de la Justice allow informants to be represented by legal counsel specializing in civil law provided by the ministère, in order that the rights and obligations of both parties be clearly set out in the contract, and their interests provided for, including the non-respect of obligations by all parties;

73.5 The ministère de la Justice evaluate the usefulness of the systematic use of polygraph testing to judge the reliability of informants;

73.6 The Minister of Public Security, in the case of crimes that justify using informants, establish a uniform system of police informant management for all police forces. The Minister of Public Security shall set out the standards to which all police forces, including the Sûreté du Québec, shall adhere to in this area;

74. The Sûreté du Québec, in compliance with the Bellemare Report:

- establish a system in order to document cases of detention not involving an arrest or a charge. The Summary procedure shall be adopted, with the officer expected to write a note or memo in lieu of a report;
- establish a periodic verification system of the knowledge, experience and situation of front-line managers who are called upon to arrest suspects and to order such arrests;
- exercise strict control in the case of the abuse of the powers of arrest and the manner in which the arrest is conducted, notably by requiring that every officer having information of such incidents report it to the manager, and, if in a position to do so, intervene to stop the abuse. Any act to the contrary will be considered as a disciplinary or ethical fault;
- ensure that managers or those in charge of investigations who decide the time to make an arrest have the necessary qualifications to ascertain that the evidence gathered up until then be sufficient, in view of both the person arrested and the investigation in general. It shall also be necessary to conduct a periodic evaluation of the abilities of managers or those in charge;
- exercise very strict control in the case of any derogatory behaviour during detention and the taking

of a statement, notably by requiring that every officer having information of such incidents report it to the manager, and, if in a position to do so, intervene to stop the abuse. Any act to the contrary will be considered as a disciplinary or ethical fault;
- make provision for a management policy in order to forbid the questioning of a suspect between the time of arrest (or detention) and the time when the suspect is able to speak with counsel, without regard for the fact that the crime under investigation be the target of audiovisual recording of declarations made by the suspect or the accused. It shall be incumbent upon the manager to see that this directive is respected;
- implement and ensure the rigorous follow-up of a statement of principles upheld by a management policy stating that the obtention of a declaration by a suspect during an investigation shall be a last resort procedure, not to be used until all other methods have been exhausted or have little chance of success;

75. The following recommendation from the Verdon Report be implemented:

- that the knowledge of the members of the Sûreté du Québec relative to their powers and duties in the case of arrests, detentions and interrogations be controlled, revised and upgraded as needed; that the Sûreté du Québec revise and upgrade its practices, directives and orders in these matters;

76. The Sûreté du Québec maintain tight control over the use of the powers of arrest so that they not be used as a means of investigation;

76.1 The Sûreté du Québec improve the training of investigators with the object of developing an investigative approach that promotes in-depth investigation leading to an arrest;

76.2 The managers of the Sûreté du Québec ensure that suspects, those arrested, or witnesses in the presence of or held by investigators be at all times treated with respect for their rights and their dignity;

76.3 The managers of the Sûreté du Québec maintain tight control over meetings between investigators of the Sûreté du Québec and individuals who are not under arrest in order that there be no confusion as to the fact that these individuals are:

- free to move;
- free to offer partial or complete collaboration;
- free from any constraint, physical or other; and,
- free to leave or end the meeting at any time.

76.4 The Sûreté du Québec ensure that its managers and investigators adopt methods and practices of meetings, arrests and interrogations that do not endanger the welfare of children;

76.5 The Sûreté du Québec formally forbid its managers and investigators to make disclosures during a meeting with or interrogation of a person, unless otherwise indicated, of the potential fate of a child or relative of the person met with or interrogated as a witness, suspect or accused;

76.6 The Sûreté du Québec discourage officers from transporting an individual who is not under arrest, unless so requested by this individual, and after receiving authorization from a manager, as stipulated in the *Criminal Code*;

76.7 The Sûreté du Québec require that all officers, as stipulated in the *Criminal Code*, personally verify the circumstances of each meeting held on the premises of the Sûreté du Québec between investigators and an individual not under arrest, in order to ensure that the individual has been informed of his rights and consents to be there. The necessary measures shall be taken to ensure that, in the case of an individual not under arrest and who is accompanied to a meeting held off the premises of the Sûreté du Québec, an officer be forewarned and proceed with the same verifications as if the individual were on the premises of the Sûreté du Québec;

77. The ministère de la Sécurité Publique conduct or obtain an exhaustive study of the legal and psychological literature on interrogation techniques that are taught to the members of the Quebec police forces, including the Sûreté du Québec.

- This study will include a legal and psychological analysis of interrogations that have been videotaped up to now;
- This study will examine the pertinent aspects of the Police and Criminal Evidence Act 1984, notably respecting detention conditions;
- This study will form the subject of consultation among the Attorney General's substitutes, defence lawyers, the university milieu and police organizations;

lawyers, the university milieu and police organizations;
- This study shall be given to the Attorney General, the Minister of Public Security and the Conseil; and,
- Following this study, a management policy identifying those interrogation techniques recognized as legitimate police persuasion techniques shall be adopted by the Sûreté du Québec;

78. The Sûreté du Québec adopt a management policy in order that its members be subject to the requirements of the provisions of the *Code de procédure pénale* (code of penal procedure) as regards searches;

79. The Sûreté du Québec provide the Minister of Public Security with an annual detailed report on search warrants requested. This report shall contain the following information:

- the district issuing the request;
- the offences for which they are requested;
- the types of warrants requested;
- the number of informations refused by the justices of the peace;
- the reasons for these refusals;
- the number of warrants issued;
- the number of warrants contested in court; and,
- the number of judicial decisions wherein there has been a violation of a constitutional guarantee and the exclusion of evidence under section 24(2) of the *Canadian Charter of Rights and Freedoms* has been ordered;

80. Following the example of the practice currently used in the Quebec City district, a systematic verification procedure for drafting informations to obtain a search warrant before it is submitted to justices of the peace be instituted by an in-house legal advisor with the Sûreté du Québec;

81. The Sûreté du Québec, in conjunction with the ministère de la Justice, create a repertory of models of informations and their appendices, which will include examples of informations that have been accepted by the courts, as well as those that have been dismissed;

82. The ministère de la Justice provide for the suitable legal training of justices of the peace having the power to authorize search warrants throughout the province of Quebec. Training specific to search warrants shall be provided them;

83. The Sûreté du Québec see to it that searches supported by a warrant be supervised by a co-ordinator having received proper training, and that he be able to ensure that his investigators follow standard procedures. This co-ordinator shall be in direct contact with the manager of the operation;

84. The affiant, on request of a search warrant, have personal knowledge of the facts of the case, having participated in the investigation;

85. The lack of collaboration on the part of officers during police investigations be strictly prohibited, and any officers acting in this manner be subject to disciplinary action and criminal charges, when warranted. All officers should be aware of the consequences of not collaborating in a police investigation;

86. The ministère de la Sécurité publique establish a control system to verify compliance with the *Guide de de pratiques policières*, which recommends that the chief of a police force involved in a death advise the ministère de la Sécurité publique of the situation in the hour following the event;

87. The Sûreté du Québec be obliged, as the *Guide de pratiques policières* suggests to other police forces, to inform the ministère de la Sécurité publique in the hour following a death in which one of its officers is involved;

88. The policy of the ministère de la Sécurité publique regarding cases of death during an act of police intervention become a directive. This directive must indicate that the police intervention and the investigation into the police intervention that gave rise to the death be entrusted to the same police force;

89. The ministère de la Sécurité publique adopt a directive regarding police relations with the media in the case of police investigating a death that occurred following a police intervention. This directive will keep in mind the public's right to be informed and the duty of the officer not to draw conclusions and not to give the appearance of having drawn conclusions before the end of the investigation;

90. The ministère de la Sécurité publique develop a directive that will provide for the equal treatment of persons, including police officers, who are involved in the death of another person;

91. The ministère de la Sécurité publique refer every criminal investigation which might involve a member of the Sûreté du Québec to another police force having jurisdiction outside the territory of the member involved;

(Top of page)

With regard to the practices, management and supervision of internal investigations (heading III, part III, chapter II):

It is recommended that:

92. The Direction des affaires internes (internal affairs department) continue the efforts of the defunct Direction de l'éthique professionnelle (professional ethics department) with a view to understanding the phenomenon of deviant activity within the Sûreté du Québec in order to prevent and correct the situation, rather than allowing it to escalate out of control;
93. The Sûreté du Québec adopt a strategic management plan for the unit responsible for internal affairs that shall concentrate on the detection and correction of deviant behaviour and shall contain objectives to reduce the number or seriousness of the misconduct by members;
94. The Sûreté du Québec merge the departments of internal affairs and professional ethics;
95. The training programs of future senior officers be modified in order to instill ethical behaviour in them, and that necessary measures be taken to offset the deficiencies in the basic training of officers presently in service with the Sûreté du Québec;
96. The Sûreté du Québec establish a training program for the benefit of its managers so that they be properly informed of rules of ethics and become the driving force of ethical behaviour;
97. The evaluation policy of personnel contain a section on ethics in order that the manager be able to prevent or correct a situation that does not conform to policy;
98. The Conseil provide the Minister of Public Security with a report of the follow-up of the measures announced by the Sûreté du Québec with a view to ensuring that ethical values within the organization are promoted;
99. The Government amend the *Police Act* or the *Act respecting police organization* in order to expressly provide for the right of an officer to expose the misconduct of a colleague, a superior, even the Director General, if this is likely to challenge the bonds of trust between the Government and the officer in question or to give rise to a disciplinary complaint;
100. The *Police Act* or the *Act respecting police organization* provide that any harassment, intimidation or reprisals, or attempt or conspiracy in this connection, of and against an officer having made a denunciation or members of his family be strictly prohibited;
101. The Sûreté du Québec establish and widely promote a channel of communication that allows all officers and public servants to make their concerns about the organization known, as well as to report deviant behaviour, without risk of reprisal;
102. The Government adopt a regulation to combat sexual and professional harassment, as well as any harassment provided for in the *Charter of Human Rights and Freedoms*;

102.1 The regulation include a disciplinary measure clause in the case of harassment;

102.2 The regulation state that the Director General of the Sûreté du Québec or the director of internal affairs will have the power to impose any disciplinary action, up to and including dismissal, without regard for the expressed wishes of the person who was the victim of harassment;

102.3 The regulation provide that the Sûreté du Québec shall record the nature of the complaint in the personnel file of the officer named in the complaint, as well as any settlement following the conciliation procedure;

102.4 The regulation provide that any repetition of harassment automatically entail disciplinary measures being imposed, up to and including dismissal;

102.5 The regulation provide that any act of retaliation toward the victim of harassment or the person who made the denunciation will entail dismissal;

103. The new management of the merged internal affairs and professional ethics departments have the responsibility of ensuring that harassment cases are followed up;
104. The disciplinary procedure be automatically implemented as soon as the internal affairs directorate is informed that a member has been charged with a second complaint of harassment;
105. The Director General see to it that his message be clear and firm regarding the orientation he intends to give to the Sûreté du Québec regarding the discipline that all members must display, regardless of rank;
106. The Sûreté du Québec take the necessary measures to ensure that internal affairs investigators be able to interrogate any member of the Sûreté du Québec, regardless of rank, and that the member be required to co-operate in the investigation, unless he be a suspect in a case of misconduct other than that of negligence in the act of supervisory duty, and unless he be involved in a criminal investigation in view of this negligence;
107. The Sûreté du Québec revise its management practices regarding the disciplinary process in order that priority be given to cases involving complaints against the actions of officers;
108. Officers be subject to more severe disciplinary penalties than unionized members for breaches of duty, given their rank within the Sûreté du Québec;

duty, given their rank within the Sûreté du Québec;

109. The new disciplinary regulation set out the duties and obligations to which is subject every permanent unionized member of the Sûreté du Québec;

109.1 The scope of the disciplinary control that the Sûreté du Québec may exercise over its unionized members be clarified and recorded in the new disciplinary regulation for its members;

110. The selection process for all investigation and support personnel of the internal affairs department be completely revised in order to lend more credibility to the department and the disciplinary measures imposed by the Sûreté du Québec;

111. Every position of investigator with internal affairs be non-unionized;

112. The appointing of every police officer with internal affairs, be it as investigator or officer, be decided by the Director General, without regard for the provisions of the employment contract reached with the APPQ or any future agreement with the CRPOSQ;

113. The Sûreté du Québec revise the directive regarding the staffing of members of the APPQ and the rules applicable to the appointment of officers, in order that the Director General be able to transfer any officer posted to internal affairs who is not compatible with the level of integrity necessary to his assignment;

114. The selection criteria adopted by the Sûreté du Québec for investigators posted to internal affairs be based on the special requirements of the position and centred on the competency and integrity of the candidates;

115. The selection committee for investigator positions within internal affairs be composed of officers coming from each of the departments of the Sûreté du Québec;

116. The investigators at internal affairs undergo exhaustive training in the field of internal investigations;

117. The Sûreté du Québec ensure that investigators at internal affairs receive prompt training in the latest investigation techniques and current technology and equipment;

118. The Sûreté du Québec develop a career plan at internal affairs in order to recruit the best candidates for investigator or management positions;

119. The investigators complete a term of two (2) years with internal affairs, followed by a transfer to another investigator or command position;

120. The investigators and managers at internal affairs undergo tests of integrity in connection with their position during the period of their term with the internal affairs directorate;

121. The Sûreté du Québec ensure that the internal affairs directorate have sufficient staff to adequately carry out their mandates;

122. The Sûreté du Québec not hesitate to resort to lateral appointments (candidates who are not members of the Sûreté du Québec) to fill investigative and management positions at internal affairs;

123. The Sûreté du Québec adopt mechanisms to prepare for the replacement of investigative and support personnel at internal affairs in order that it continue its activities in an efficient manner, and not be handicapped in the long term;

124. The Conseil be consulted regarding the career plan established by the Sûreté du Québec in order that internal affairs recruit the best candidates for investigator or management positions;

124.1 The Conseil be informed of the abolition, transfer or new appointment of every position involving those investigators who collaborated on the ad hoc committee investigations or who conducted or supervised investigations relating to the Matticks Affair, with the Conseil's approval required in each instance;

124.2 The Conseil be informed of the abolition, transfer or new appointment of every position involving investigators or officers with internal affairs, with the Conseil's approval required in each instance;

125. The Sûreté du Québec ensure that managers and investigators with internal affairs participate in symposiums dealing specifically with their area of expertise, and file a report on the various initiatives taken by other internal affairs units, which they learned of at the symposium, that would be of interest to the Sûreté du Québec;

125.1 The Sûreté du Québec ensure that all information gathered by managers and investigators with internal affairs who participated in symposiums dealing specifically with their area of expertise be conserved in a documentation centre at internal affairs;

126. Any training given by the Sûreté du Québec to investigation managers with the general criminal investigation branch also be given to managers and investigators at internal affairs;

127. The new management of the merged internal affairs and professional ethics departments have the responsibility of ensuring that the disciplinary process and all administrative processes regarding members are implemented, whether they be the subject of an internal investigation, or an investigation conducted by an outside organization;

128. The Director General be immediately informed of any major difficulty facing the director of internal affairs in the accomplishment of his duties, and that he take stringent measures to correct the situation, and provide a report to the Minister of Public Security;

129. The director of internal affairs provide the Director General with a report of all of his activities, on a regular basis. A monthly activity report for internal affairs shall be sent to the ministère de la Sécurité publique and to the Conseil by the Director General;

130. The internal affairs directorate maintain an updated register of all its members who are the subject of an internal investigation, and provide a monthly report to the Director General;

131. The internal affairs department be obliged to maintain a register of all its members who are the subject of an external criminal or ethical investigation, and inform the Director General of its recommendations regarding the possibility of temporarily suspending or transferring the member for the duration of the investigation;

132. The *Police Act* be amended in order that:

- the director of internal affairs be obliged to report directly to the Director General of the Sûreté du Québec;
- the Director General of the Sûreté du Québec not be authorized to delegate the responsibility of supervising the activities of internal affairs to another member of the Staff;
- the director of internal affairs be obliged to produce an annual report summarizing its operations, and that this report be made public;
- the contents of the internal affairs department's annual report be stipulated by regulation;
- the Director General's obligation to provide the Conseil with the internal affairs department's annual report be stipulated by regulation;

132.1 The director of internal affairs produce activity reports that are accurate and not self-indulgent;

132.2 General be accountable for the accuracy of the information contained in the annual report of the internal affairs department;

133. The Sûreté du Québec take the necessary steps to ensure the accuracy of all information communicated to the media relating to any allegation of misconduct by one of its members, or to any investigation conducted or measures taken by the Sûreté du Québec regarding its member, if any.

(Top of page)

It is recommended that (chapter III):

134. The Sûreté du Québec, as an obligation to the citizens of Quebec, fully co-operate with the investigators assigned to investigate its members, be it concerning criminal or ethical investigations;

135. The responsibility to act as intermediary with external investigators be entrusted to the internal affairs directorate, which will see that all units of the Sûreté du Québec co-operate when requested to provide any information to these investigators;

136. The director of internal affairs be obliged to notify the Director General of any unwarranted delay in the response to requests from investigators assigned to the police ethics commissioner or any other police force, and to file a disciplinary complaint against a member of the Sûreté du Québec who does not collaborate in these investigations, unless the member is personally the subject of a criminal or ethical investigation involving criminal allegations;

137. The internal affairs department, in its annual report which gives an account of its operations, be obliged to report any unwarranted delay in response to requests from investigators assigned to the police ethics commissioner or any other police force conducting criminal or ethical investigations into members of the Sûreté du Québec, and the steps taken to correct the situation;

138. The Government take the necessary actions to maintain the confidentiality of the police information data banks. To this end, it shall require that computer systems be modified in order to identify each end user, and that no one be able to access data banks using false identification;

138.1 Each police information data bank user be provided a personal identification number (PIN). The user will be responsible for keeping his personal identification number secret;

138.2 The Sûreté du Québec take the necessary measures to ensure that confidential information regarding its investigations or personnel not be accessible to outside parties, notably private or other investigators, be they employed by public or private organizations;

139. All files of members taking their retirement while considered the subject of a disciplinary complaint or a criminal investigation be mentioned in a report to the Director General. The Director General shall see to the diligent pursuit of the criminal investigation, regardless of the member retiring, and shall decide whether to end the disciplinary investigation into the misconduct of the member. The Director General will inform the Minister of Public Security and the Conseil about all files of this nature;

139.1 The Director General be informed of any internal investigations regarding officers with more than twenty (20) years of seniority, in order to ensure that the disciplinary process pertaining to these cases not be unnecessarily delayed, with the officer then retiring without repercussions;

139.2 The new disciplinary regulation stipulate that, in the case of an officer retiring before the outcome of the disciplinary proceedings, the complaint shall remain valid, and it shall be up to the Director General to decide on the appropriateness of continuing the disciplinary process in order to determine its validity. If the complaint is found to be valid, a notation to this effect shall be made in the

member's personnel file, notwithstanding his retirement;

140. Section 28 of the *Règlement sur la déontologie et la discipline des membres de la Sûreté du Québec* be repealed;

141. The director of internal affairs ensure that the *Politique de gestion des plaintes et attribution des enquêtes* be effectively followed, that the officers in charge meet weekly with investigators, and that they see to it that ongoing reports be written and added to the file;

142. The Government amend the *Act respecting police organization* in order to demarcate the supervision required by an immediate or line supervisor with regard to an investigator with the Sûreté du Québec who has received a file from the commissioner of police ethics;

143. Managers at internal affairs adopt mechanisms allowing them to monitor the quality of the work performed by investigators assigned to internal investigations, ensuring that the investigations are conducted in a fair, impartial and thorough manner;

144. The authorization process for criminal complaints against officers be revised in order that citizens be assured that no dubious dealings arise to protect guilty officers;

145. The ministère de la Justice adopt and inform the population of a complaint processing mechanism for criminal complaints filed against officers, which will shelter all Crown attorneys from interference, and avoid any unwarranted criticism regarding their decisions to file or withdraw criminal charges against an officer;

146. The Sûreté du Québec revise its management practices regarding the disciplinary aspect of cases of officers who are the subject of criminal proceedings;

147. The Sûreté du Québec immediately bring any member who is implicated in an act involving criminal accusations before the appropriate disciplinary body, notwithstanding the status of the member's file before the criminal courts;

148. The Government look at the appropriateness of reviewing the present regulation allowing an officer to preserve his status in spite of a criminal conviction and, if necessary, amend the *Police Act* accordingly;

149. The Sûreté du Québec take the necessary steps in order that its premises be protected, and that all documents, exhibits and information in its possession and in data banks be protected from any internal or external attack likely to alter, destroy or eradicate them;

149.1 The Sûreté du Québec open an investigation without considering the existence or absence of a written complaint, as soon as there is suspicion of theft in its premises or a breach in the security system;

150. The Government ensure that an officer who is a witness to a crime committed by another officer be obliged to expose him and to collaborate in any criminal investigation, and that such an obligation be clearly indicated in the new regulation regarding the discipline of members of the Sûreté du Québec, earmarked to replace the existing *Règlement sur la déontologie et la discipline des membres de la Sûreté du Québec*;

1501. The Government ensure that every member of the Sûreté du Québec who has knowledge of a criminal act, an act of corruption, or lack of integrity in the case of another member be obliged to report it to the director of internal affairs or a superior officer, and that such an obligation be set forth in formal terms in the new regulation regarding the discipline of members of the Sûreté du Québec, earmarked to replace the existing *Règlement sur la déontologie et la discipline des membres de la Sûreté du Québec*;

150.2 The officer who receives the report of misconduct be obliged to take the appropriate measures to open an investigation without delay;

150.3 The Government ensure that the disrespect of the above-mentioned obligations be subject to harsh penalties, up to and including dismissal, unless the member in question be able to cite extenuating circumstances of a nature serious enough to justify his action;

151. Every member of the Sûreté du Québec who is the subject of a criminal investigation or of criminal charges for acts performed in his capacity as a police officer or outside the execution of his duties be obliged to immediately inform his immediate supervisor or the director of internal affairs of the exact nature of the facts for which he was met by investigators, or the nature of the charges, as well as the name of the police force or individual filing the complaint;

151.1 The member, in the above-mentioned case, not be obliged to provide his immediate supervisor or the director of internal affairs with an explanation of the circumstances that led to the investigation or complaint;

152. The member who neglects to provide his immediate supervisor with an activity report be subject to a disciplinary action proportional to the seriousness of his violation, and that clear distinction be made in this respect between the case of a member witness and a member suspected or accused of a criminal offence;

153. The Government amend section 87 of the *Règlement sur la déontologie et la discipline des membres de la Sûreté du Québec* as soon as possible in order to limit the officers' right to silence;

153.1 The Sûreté du Québec adopt a directive inspired from that of the Metropolitan Toronto Police Service, in order that the investigator inform every officer interviewed of the nature of the investigation he is conducting as well as the reason the officer is being questioned;

153.2 The Sûreté du Québec clearly recognize the right of silence of the officer subject to a criminal charge;

153.2 The Sûreté du Québec clearly recognize the right of silence of the officer subject to a criminal charge or suspected of having committed a criminal act, and moreover specify that the officer who is the subject of an investigation having no criminal connotation be obliged to collaborate in this investigation;

153.3 The Sûreté du Québec adopt a directive obliging every member of the Sûreté du Québec, who is met in the capacity of witness relating to a complaint brought against another member, to provide a full written and signed statement, regardless of the nature of the complaint (disciplinary, ethical or criminal) laid;

153.4 This directive oblige every member of the Sûreté du Québec to submit a photocopy of his notes and all documents pertinent to the investigation into the complaint;

153.5 The immediate supervisor be obliged to verify the accuracy and the comprehensive character of all documents provided to the investigators;

154. The *Code of ethics of Québec police officers* be amended to oblige an officer acting in the capacity of investigator for the police ethics commissioner to inform any member of the police force he interviews of the grounds for and scope of his investigation;

155. Section 87 of the *Act respecting police organization* be amended to strike from it the right of an officer subject to an ethical investigation to remain silent, in order to restore the right balance between the rights and duties of an officer;

155.1 Section 87 of the *Act respecting police organization* make provision for the situation wherein in the event that allegations of an ethical complaint carry a criminal connotation, the officer being interrogated shall be informed and have the right to remain silent if charged with or liable to be charged with a complaint;

156. The Government no longer assume legal costs for an officer who is called to testify at trial, unless the officer also face criminal charges of the same nature. Consequently, both the employment contract between the APPQ and the Government, and the *Règlement sur la rémunération et les conditions relatives à l'exercice des fonctions des officiers de la Sûreté du Québec* shall be amended accordingly;

156.1 The concept of "serious offence" invoked by the Sûreté du Québec to justify the non-payment of an APPQ member's legal fees also apply in every case where the Government committed itself by way of the employment contract or the *Règlement sur la rémunération et les conditions relatives à l'exercice des fonctions des officiers de la Sûreté du Québec* to cover the costs. Consequently, both the employment contract and the *Règlement* shall be amended accordingly;

156.2 The Sûreté du Québec ensure that the provisions in the APPQ employment contract regarding legal assistance be worded in such a way that the Sûreté du Québec have recourse to arbitration, as stipulated in the *Act respecting the Syndical Plan of the Sûreté du Québec*, in the event that its decision to charge the member with the "serious offence" is contested through the grievance process;

156.3 The present legal assistance coverage of members of the Sûreté du Québec pertaining to ethical, criminal and civil negligence be withdrawn and replaced by the creation of a legal assistance and professional legal counselling fund which the Government will assist in setting up. Subsequently, this fund shall be managed by a committee composed of officers and managers of the Sûreté du Québec, who shall set the maximum limit for honorariums to be paid out, it being agreed that the endowment of funds shall be maintained by the contribution of all members of the Sûreté du Québec;

156.4 Be implemented a more binding system than the current provisions in the employment contract between members of the APPQ and the Government and the *Règlement sur la rémunération et les conditions relatives à l'exercice des fonctions des officiers de la Sûreté du Québec* which deal with legal assistance at the Government's expense;

157. The Government adopt regulations regarding temporary suspensions and administrative postings, within the framework of a new regulatory provision concerning discipline among members of the Sûreté du Québec;

157.1 The regulation allow for the possibility of the Director General and for any immediate supervisor, subject to ratification by the Director General, to issue a temporary suspension at any time that a member remaining at his post is likely to compromise the effectiveness of the service or its credibility, that is, when the measure is necessary to preserve the legitimate interests of the Sûreté du Québec;

157.2 The regulation stipulate that it be up to the Director General alone to decide whether a provisional suspension shall be with salary or not, or an administrative posting to other duties;

157.3 The regulation allow the Director General to delegate the power to ratify or impose any provisional suspension issued by an immediate supervisor to the director of internal affairs;

157.4 The regulation forbid any negotiation relating to the application methods and conditions of the provisional suspension. The regulation shall moreover render void the provisions in the present employment contract between the APPQ and the Government pertaining to temporary suspensions, as well as any concerning any letters of agreement on this subject as soon as the new regulation comes into force;

157.5 The regulation provide for the right of the member to contest his provisional suspension before a

referee chosen by the parties following mutual agreement, or before a referee designated by the Minister of Labour, within thirty (30) days of the imposition of the provisional suspension or administrative assignment;

157.6 All managers receive proper training in order to understand the true nature of a provisional suspension and the rules that apply to its imposition;

157.7 Management procedures be tightened in order that decisions taken regarding provisional suspensions that affect salary and other financial and employment benefits be effectively implemented;

157.8 Any decision to proceed with the provisional suspension of an officer be revised within thirty days by the Conseil. The Conseil shall have the power to rescind the decision or to apply conditions in order to avoid the abuse witnessed by the Commission;

158. The director of internal affairs be involved in the elaboration of the management's position in order that the agreements made at the negotiation table respect the integrity requirements of both investigators assigned to internal affairs and all members of the Sûreté du Québec;

159. The director of internal affairs sit on the Comité paritaire et conjoint (joint committee) for as long as this committee is involved in cases of provisional suspensions and administrative assignments or the revision of disciplinary decisions.

It is recommended that (chapter IV):

160. The Sûreté du Québec be relieved of its mandate to investigate criminal infractions imputed to its members, be they work-related or not;

161. The commissioner of police ethics not be given the mandate to supervise criminal investigations that involve a member of the Sûreté du Québec;

(Top of page)

COMITÉ DIRECTEUR DES ENQUÊTES CRIMINELLES

(criminal investigation management committee)

162. The Government form a Comité directeur des enquêtes criminelles (criminal investigation management committee) affecting members and employees of the Sûreté du Québec;

162.1 The Comité directeur des enquêtes criminelles be composed of three (3) members, to be filled by directors at internal affairs (or criminal investigations) of the MUC Police and the Québec division of the RCMP, as well as one permanent member from the ADPPQ (Association des directeurs de police et de pompiers du Québec);

162.2 The Sûreté du Québec's director of internal affairs also sit with the Comité directeur des enquêtes criminelles as an observer;

162.3 The Comité directeur des enquêtes criminelles be immediately informed of all complaints or allegations of misconduct brought to the attention of the Sûreté du Québec or any other police force that might have a criminal connotation;

162.4 The Comité directeur des enquêtes criminelles have the mandate to decide which police force or group of investigators from a single or various police forces is to be conferred the investigation, according to the nature of the alleged crime and the location of its commission;

162.5 The Comité directeur des enquêtes criminelles assign one of its members to act as supervisor in each investigation;

162.6 The investigation supervisor advise the Sûreté du Québec's internal affairs director of any display of ill-founded corporatism, whether it take the form of the law of silence or an attempt to intimidate witnesses, in order that he take the appropriate steps to ensure the collaboration of officers of the Sûreté du Québec, on pain of strict penalties, up to and including dismissal;

162.7 The investigation supervisor lay criminal charges of obstruction of justice each time circumstances warrant;

162.8 The investigators be assisted by an experienced Crown attorney and specially assigned to this function (which he may carry out on top of other functions, depending on the volume of work required and the number of cases he is involved in);

162.9 The Comité directeur des enquêtes criminelles file an annual report with the Conseil regarding the number of cases investigated, the nature of the allegations and the results of its investigations; it must also report on any incident that arose during the investigation that could be a display of the law of silence;

162.10 The Sûreté du Québec's director of internal affairs file a report with the Director General of any deficiency in the directives and management procedures of the Sûreté du Québec, in order to avoid a

repetition of the incident that was the cause of the criminal investigation;

162.11 The Sûreté du Québec's director of internal affairs investigate any lack of concern or negligence noticed with regard to management during the criminal investigations conducted relating to the conduct of members of the Sûreté du Québec and, if necessary, file the necessary disciplinary complaints;

163. The director of internal affairs ensure, with the support of the Director General and other members of the Staff, that strict measures be taken to prevent and sanction the law of silence and all forms of ill-founded corporatism;

164. The director of internal affairs have the responsibility of conserving every ethical complaint forwarded by the commissioner of police ethics, and ensure that every request for documentation and information from investigators assigned to the investigation by the commissioner be fulfilled in an efficient and diligent manner. In this respect, the director shall open a disciplinary investigation into every member of the Sûreté du Québec who does not fully collaborate in an ethical investigation;

165. The director of internal affairs be informed of all cases of irregular use of police information banks. In this respect, he shall:

- conduct an investigation;
- inform the Comité directeur des enquêtes criminelles that concerns members and employees of the Sûreté du Québec as soon as there is evidence that the use could be intended for a criminal organization;
- make a report to the Director General, who shall refer it to the Conseil;

166. The director of internal affairs see to the follow-up of discipline management by the line supervisors of members in order that disciplinary decisions be recorded in the files of members and that the Service de la rémunération (payroll division) follow up those decisions having a financial impact, whether it be a temporary suspension, a suspension or any decision having an effect on the salary, bonuses, vacation or other employment aspect of the member;

167. The director of internal affairs see to the follow-up of ethics files in order that the decisions taken with regard to members be recorded in their files in the same manner as disciplinary decisions, and that financial consequences that ensue be effectively enforced;

168. The director of internal affairs keep a file of all officers who were the subject of a criminal, ethical or disciplinary investigation, and establish early warning mechanisms for high risk situations;

169. The Government modify the *Police Act* to include a provision that enables the Sûreté du Québec to adopt proactive measures in order to ensure that its members prove their integrity be equal to the confidence the Government places in them by conferring upon them the status of peace officer;

169.1 These proactive measures take the form of detection tests with the view to ensuring the integrity of the members of the Sûreté du Québec and discovering any illicit drug use or any financial problem that could have an impact on their integrity;

169.2 Every member of the Sûreté du Québec be obliged to undergo testing;

169.3 Appropriate disciplinary measures be taken in the case of a member of the Sûreté du Québec who refuses to undergo testing as justified by the positions held;

170. An early detection testing program be implemented for members displaying behavioural and attitude problems that could possibly hinder their duties and obligations as an officer;

170.1 All managers receive adequate training in order to be able to identify high risk employees;

170.2 All personnel of the Sûreté du Québec be clearly informed of the goals and objectives of the early detection testing program and that they co-operate fully;

170.3 The Sûreté du Québec implement the appropriate measures necessary to correct the problems encountered before they begin to have a negative effect on the duties and obligations of the officer;

170.4 Appropriate disciplinary measures be taken with regard to any manager who fails to provide the internal affairs department with the information required within the framework of the early detection testing program regarding attitude problems and high risk behaviour of the members under his responsibility;

170.5 Appropriate disciplinary measures be taken with regard to any member who refuses to take part in rehabilitation programs proposed following the results of the early detection testing program;

170.6 All cases of abuse of authority, automobile accidents and complaints of any nature concerning a member be reported to internal affairs so that the statistics be properly recorded, and that cases requiring follow-up within the framework of an early detection testing program be included;

171. Computer data banks be updated without delay in order that the internal affairs' supervisor take the appropriate measures to correct those situations that could hinder the duties and obligations of an officer;

172. The director's position for the newly merged internal affairs and police ethics department be filled through a competition;

172.1 The person selected for this position have solid management qualifications, especially in human

resources management, and a thorough knowledge of the police environment;

172.2 Background experience in human resources management take precedence over experience in a police environment, in the event that no candidate be judged to fully possess both qualifications;

172.3 The competition be simultaneously open both internally and externally to officers and civilians, with no priority being given to internal candidates;

172.4 A selection committee be formed, to include the Director General and two (2) members of the Conseil (who may call upon the services of a recruitment specialist), in order to select a candidate from among those who applied for the position;

172.5 The present director of internal affairs remain at his post until replaced or assigned to the new position created as a result of the merger of internal affairs and police ethics;

173. The Government repeal and replace the *Règlement sur la déontologie et la discipline des membres de la Sûreté du Québec* currently in place as soon as possible;

173.1 The Government ensure that an experienced and competent labour relations management team be established before repealing and replacing the *Règlement sur la déontologie et la discipline des membres de la Sûreté du Québec* currently in place;

173.2 The Government, in order to be properly informed of a new disciplinary regulation, establish a task force composed of legal and labour relations experts able to identify the human resources management models adopted by other police forces outside Quebec, the public service, and the private and semi-private sector that are the most effective and least restricting for managers, while respecting the rights of the employees;

173.3 The Government not adopt the disciplinary regulation proposed by the Sûreté du Québec in its paper *Bilan 1997-Orientations 1998-2000*;

173.4 The new disciplinary regulation for members of the Sûreté du Québec expressly provide for the Director General to have the final decision in disciplinary matters, and to this end, he shall be kept informed of all complaints brought against members of the Sûreté du Québec and of the progress of the investigation opened to confirm the complaint and sanction the individual in question;

173.5 The new disciplinary regulation for members of the Sûreté du Québec expressly provide for the Director General to be informed of any deficiencies noticed in operational directives pertaining to all investigations;

173.6 The new disciplinary regulation for members of the Sûreté du Québec not renew the present or similar disciplinary process, and eliminate any quasi-judicial process that precedes the imposition of a disciplinary sanction;

174. The Sûreté du Québec, with the contribution of all its personnel, establish a code of ethics and honour to govern all its members. This code shall clarify the motto of the Sûreté du Québec and make their oath of allegiance and office more concrete;

(Top of page)

With regard to the concerns of the Commission regarding the magnitude of the challenge to be met by the Sûreté du Québec, and its success in obtaining the set objectives:

It is recommended that:

COMITÉ DE SUIVI (follow-up committee)

175. The Government establish a follow-up committee to oversee the implementation of the Commission's recommendations.

Having no decisional power, the follow-up committee shall be composed of experienced and competent members in the areas of law, administration, labour relations and social sciences, and be totally independent of the Sûreté du Québec and the Government.

This follow-up committee shall have a term of five years;

175.1 The follow-up committee advise the director of the Sûreté du Québec, the Conseil and the Minister of Public Security on matters relating to the implementation of the recommendations contained in the Commission's report.

The follow-up committee shall provide a periodic report to the Minister of Public Security.

Its members shall be associated with the processes of the Sûreté du Québec, with a view to the adoption of an organizational mission and values statement;

175.2 The follow-up committee see to the fair and equitable treatment of members and civil employees of the Sûreté du Québec who testified before the Commission;

the Sûreté du Québec who testified before the Commission;

175.3 The follow-up committee concern itself with any complaint relating to reprisals against the following individuals who conducted themselves in an exemplary manner during their investigation or management of the Matticks Affair and who also testified before and collaborated with the Commission and its work in an exemplary fashion:

- Bernard Arsenault
- Jean Bossé
- Louis Boudreault
- Hilaire Isabelle
- Jacques Letendre
- Louise Pagé
- Gilles St-Antoine

175.4 The follow-up committee attend to the follow-up of decisions taken by the Sûreté du Québec regarding the outcome of the Sûreté du Québec's disciplinary complaints stemming from the Maticks Affair, the Duclos et al. trial, the ad hoc committee's investigation and their petition for judicial review, and, if necessary, because of or following the work of the Inquiry Commission;

175.5 The follow-up committee concern itself with any other mandate entrusted to it according to the recommendations contained in the report of the Commission.

(Top of page)

2003-01-31 2:47 PM

Québec

© Gouvernement du Québec, 2004